

Judge Ronald B. Leighton

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE, et al.

Defendants.

No. C06-5195 RBL

**DEFENDANTS' EXHIBITS IN  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

**EXHIBIT**

**Ltr.**

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# EXHIBIT A

Plaintiff's Responses to Defendants' First  
Set of Interrogatories and Requests for  
Admission

1 THE HONORABLE RONALD B. LEIGHTON

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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MAJOR MARGARET WITT,

No. C06-5195 RBL

11 Plaintiff,

12 v.

13 UNITED STATES DEPARTMENT OF THE  
14 AIR FORCE, et al.,

15 Defendant

**PLAINTIFF'S OBJECTIONS AND  
RESPONSES TO DEFENDANT THE  
UNITED STATES AIR FORCE'S FIRST  
SET OF INTERROGATORIES,  
REQUESTS FOR ADMISSION, AND  
DOCUMENT REQUESTS TO  
PLAINTIFF**

16 Pursuant to Rules 33, 34, and 36 of the Federal Rules of Civil Procedure, Plaintiff  
17 Margaret Witt submits the following objections and responses to Defendant The United States  
18 Air Force's First Set of Interrogatories, Requests for Admission, and Document Requests to  
19 Plaintiff.

**GENERAL OBJECTIONS**

20 1. Plaintiff objects to each and every discovery request to the extent that it seeks  
21 information and/or documents that are not relevant and not reasonably calculated to lead to  
22 discovery of admissible evidence.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO  
DEFENDANT THE UNITED STATES AIR FORCE'S FIRST SET  
OF INTERROGATORIES, REQUESTS FOR ADMISSION, AND DOCUMENT  
REQUESTS TO PLAINTIFF (Case No. C06-5195- RBL) -- Page 1

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Seattle, Washington 98104-1799  
(206) 624-2184

1 not have a negative impact on unit cohesion or morale. (“Q: Have you ever held the opinion that  
2 Major Witt’s presence in the 446 has a negative impact on unit cohesion or morale? A: No.”  
3 Transcript of Deposition of Col. Mary Walker, 1/8/2010, 145:16-19.)

4 Further, my Field Grade Officer Performance Report for the period of 13 Apr 2004 to 12  
5 Apr 2005 states, “Committed to continuing squadron cohesion and morale.” Statements of my  
6 fellow unit members in declarations and letters submitted on my behalf in 2006 for the Board  
7 discharge proceedings also support my belief that my suspension and discharge did not further  
8 unit cohesion or morale.

9 **Interrogatory No. 7:** Identify all conversations that you had with any member of the 446<sup>th</sup>  
10 Aeromedical Evacuation Squadron, McChord AFB, after your commission date but before your  
11 discharge regarding either your status as a homosexual or any conduct defined by 10 U.S.C. §  
12 654(f)(3) in which you engaged. (In asking this question, defendants are not seeking to learn  
13 statements by others that they have engaged in conduct in violation of 10 U.S.C. § 654(b), and  
14 you may omit any portions of any such conversations from your response).

15 **RESPONSE:** Plaintiff adopts and incorporates the General Objections set forth above. Plaintiff  
16 further objects to this interrogatory because it is vague as to what Defendants mean by  
17 conversation. Subject to and without waiving these objections and the above-stated General  
18 Objections, assuming that the term “conversations” is intended to cover “one-way” remarks from  
19 another to me, I have spoken with the following individuals acknowledging that I am a lesbian:  
20 Ret. SMSgt James Schaffer and MSgt Jenaro Wirth. The following individuals have volunteered  
21 supportive remarks to me that were based on their assumption that I was a lesbian but I neither  
22 confirmed nor denied them: TSgt. Matt Edminster. Lt. Col. Julia Scott often made references to



1 my partner under the assumption that she was my partner, but I never affirmatively  
2 acknowledged my sexual orientation to her.

3  
4 **Interrogatory No. 8:** Identify every other squadron that you worked with, trained with, were  
5 deployed with, flew with, or otherwise had in-person contact with during your employment in  
6 the 446<sup>th</sup> Aeromedical Evacuation Squadron, McChord AFB.

7 **RESPONSE:** Plaintiff adopts and incorporates the General Objections set forth above. Plaintiff  
8 further objects to the above interrogatory as unduly burdensome and because Defendants are able  
9 to obtain this information through their own means and because this information is in Defendants  
10 possession, custody or control.

11 Subject to and without waiving these objections and the above-stated General Objections,  
12 to the best of my knowledge, I recall working with the 349<sup>th</sup> AES at Travis AFB, training on a  
13 KC-135. When I was deployed EAES 320 to Seeb AFB in Oman, we worked with numerous  
14 squadrons whose squadron numbers I cannot recall. For a matter of hours, I also worked with a  
15 unit in Hawaii whose detachment number I cannot remember. McChord AFB also hosted the  
16 world wide rodeos, where I trained with numerous other squadrons who came to our base.

17 **Interrogatory No. 9:** If you contend that your procedural due process rights have been violated,  
18 identify the basis for your contention, including the facts that you intend to rely on for that  
19 contention.

20 **RESPONSE:** Plaintiff adopts and incorporates the General Objections set forth above. Plaintiff  
21 further objects on the ground that this discovery request seeks attorney work-product, since  
22 Defendants seek to have Plaintiff's counsel analyze, evaluate, and interpret facts and documents

1 in the legal context of this case, while those facts and documents are equally available to  
2 Defendants and while Defendants and their counsel are equally able to analyze, evaluate,  
3 interpret and apply those facts to the law. Plaintiff's answer shall not be construed to amend or  
4 limit in any fashion the substantive allegations of the Complaint. To the extent that Plaintiff is  
5 able to answer this interrogatory, Plaintiff's contentions are based on the facts set forth in the  
6 Complaint, all records exchanged by all parties to date (i.e., as of the date of these Answers), all  
7 documents produced in discovery to date, and Defendants' answers to Plaintiff's discovery  
8 requests. Further, Plaintiff will likely rely on testimony of witnesses not yet deposed, and on  
9 records and discovery responses not yet produced and/or obtained.

10 Subject to and without waiving these objections and the above-stated General Objections,  
11 Plaintiff contends that her suspension and discharge were illegally initiated in violation of AFI  
12 36-3209. ¶¶ 1.22, 2.33, and Attachment 11. The initiation of the fact-finding inquiry by General  
13 Duignan, and originating from higher up in the chain of command, is inconsistent with the  
14 requirements under AFI 36-3209.

### 15 REQUESTS FOR ADMISSION

16 **Request for Admission No. 1:** Admit that the United States Air Force has an important  
17 governmental interest in the unit cohesion and morale of its service members.

18 **RESPONSE:** Admitted.

19 **Request for Admission No. 2:** Admit that unit cohesion and morale are furthered by  
20 minimizing potential distractions, disturbances, or risks to unit cohesion and morale.

21 **RESPONSE:** Admitted.

22 **Request for Admission No. 3:** Admit that sexual tension within a unit could distract, disturb, or  
otherwise present a risk to unit cohesion and morale.

1           **RESPONSE:** To the extent that this request asks whether it is hypothetically possible  
2 that sexual tension *could* distract or disturb unit cohesion and morale, Plaintiff admits this is  
3 possible. For example, if the commander of a squadron had a routine of having sex on a daily  
4 basis in her office on base with her assistant executive officer, of course that *could* distract or  
5 disturb unit cohesion or morale.

6           **Request for Admission No. 4:** Admit that during your service in the 446<sup>th</sup> Aeromedical  
7 Evacuation Squadron, McChord AFB, you were subject to deployment.

8           **RESPONSE:** Admitted.

9  
10          **Request for Admission No. 5:** Admit when deployed, the 446<sup>th</sup> Aeromedical Evacuation  
11 Squadron, McChord AFB, interacts and/or embeds with military personnel from other squadrons.

12          **RESPONSE:** Admitted.

13          **Request for Admission No. 6:** Admit that you engaged in conduct defined by 10 U.S.C. §  
14 654(f)(3) after your commission date but before your suspension.

15          **RESPONSE:** Admitted.

16  
17          **Request for Admission No. 7:** Admit that you engaged in conduct defined by 10 U.S.C. §  
18 654(f)(3) between your suspension and your discharge.

19          **RESPONSE:** Admitted.

20          **Request for Admission No. 8:** Admit that you presently lack no procedural due process rights  
21 regarding your suspension or discharge.

22          **RESPONSE:** Denied.

# EXHIBIT B

Deposition of Elizabeth Kier



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

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MAJOR MARGARET WITT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	C065195RBL
	)	
UNITED STATES DEPARTMENT OF	)	
THE AIR FORCE; COLONEL MARY L.)	)	
WALKER, Commander 446th	)	
Aeromedical Evacuation	)	
Squadron, McChord Air Force	)	
Base; and JAMES G. ROCHE,	)	
SECRETARY, DEPARTMENT OF THE	)	
AIR FORCE,	)	
	)	
Defendants.	)	

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DEPOSITION UPON ORAL EXAMINATION OF ELIZABETH KIER

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APPEARANCES:

FOR THE PLAINTIFF:	JAMES E. LOBSENZ CARNEY, BADLEY, SPELLMAN 701 FIFTH AVENUE, SUITE 3600 SEATTLE, WASHINGTON 98104
FOR THE DEFENDANTS:	STEPHEN J. BUCKINGHAM U.S. DEPARTMENT OF JUSTICE 20 MASSACHUSETTS AVENUE NW WASHINGTON, DC 20044

MAY 20, 2010

1 is that right?

2 A Yep.

3 Q And then the journal published a letter that you

4 wrote --

5 A Yes.

6 Q -- responding to those two?

7 A Exactly.

8 Q And it's the article entitled Homosexuals in the U.S.

9 Military: Open Integration and Combat Effectiveness?

10 A Yes.

11 Q In a general sense can you tell me what opinion you're

12 offering in this case?

13 A I'm offering my professional opinion on the

14 justification for the Don't Ask/Don't Tell policy.

15 Q And what is that opinion?

16 A That the policy doesn't have any basis in social science

17 or history, any justification.

18 Q Are there any other opinions you're offering?

19 A No.

20 Q Are you offering any opinion regarding the application

21 of the Don't Ask/Don't Tell policy as it was applied

22 specifically to Margaret Witt?

23 A No.

24 Q Are you offering any opinion about whether the specific

25 discharge of Margaret Witt under the Don't Ask/Don't

1 Tell policy had some effect on her unit's morale and  
2 cohesion?

3 A No.

4 Q Are you offering any opinion as to whether the specific  
5 discharge of Margaret Witt was necessary to promote unit  
6 morale and cohesion?

7 A No.

8 Q I'm just going to ask you just a few background  
9 questions about your expertise. What field are you an  
10 expert in?

11 A Political science.

12 Q Any other fields?

13 A International relations and civil military relations.

14 Q Anything else?

15 A No.

16 Q And what was the second field you said international  
17 relations and...?

18 A Civil military relations or international security.

19 Q Are those all kind of one general academic area?

20 A They're separate. Some people will specialize within  
21 civil military relations.

22 Q Is international security a subsection of civil military  
23 relations? I'm just trying to figure out how it does --

24 A -- Civil military relations is a subset of international  
25 security if you do international relations, but if do





1       you say, "Despite an enormous amount of research on  
2       military and non-military groups, scholars do not even  
3       concur that there is a correlation between cohesion and  
4       performance." What type of cohesion are you referring  
5       to there?

6   A   Primary group cohesion.

7   Q   Inclusive of both social cohesion and task cohesion?

8   A   Yes. And if you -- But there is much -- There's  
9       somewhat of an agreement of a consensus of this  
10      relationship, correlation between task cohesion and  
11      performance.

12  Q   And performance, is that what you said?

13  A   Yes.

14  Q   Is it fair to say that some -- I'm going back to the  
15      sentence where you say scholars do not even concur that  
16      there is a correlation. Is it fair to say that some  
17      scholars believe there's no correlation between cohesion  
18      and performance; is that accurate?

19  A   Prob-- Yes. I don't know. I don't know.

20  Q   Have any researchers found positive links between social  
21      cohesion and performance or military techniques?

22  A   And "positive link" you mean...?

23  Q   A positive correlation.

24  A   Correlation?

25  Q   Yes.

1 A Yes.

2 Q So, is it fair to say that some social science research  
3 indicates that social performance -- social cohesion and  
4 military effectiveness are positively correlated?

5 A I know of one study.

6 Q What study is that?

7 A It's a joint authored by Beal, B-E-A-L. I think it's  
8 2002. And I don't know all the authors' names.

9 Q Do you recall the findings, what that study found if you  
10 were to sum it up in a sentence or two?

11 A It, it found that there was an independent effect in the  
12 sense of a correlation between task cohesion and  
13 performance, between social cohesion and performance and  
14 between group pride and performance, and performance  
15 measured in terms of process not outcome.

16 Q And I imagine that group pride would probably be the  
17 same size group as, as the social cohesion and task  
18 cohesion?

19 A Yes.

20 Q Can I refer you back to Exhibit 2 which is your article.  
21 And I'd like to, to go to Page 11 of that article.  
22 Here you have a section of your article that's subtitled  
23 Unit Cohesion and Military Effectiveness. Do you see  
24 where I am?

25 A Yes.

# EXHIBIT C

Deposition of Margaret Witt

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

NO. C06-5195 RBL

UNITED STATES DEPARTMENT OF  
THE AIR FORCE, et al.,

Defendants.

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DEPOSITION OF MAJOR MARGARET WITT  
Monday, May 24, 2010  
Pages 1 to 136

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Jody K. Pope CCR/RPR  
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E-mail: [snoverrealtime.net](mailto:snoverrealtime.net)  
LIC. NO. WA 3114 / LIC. NO. ID 939



1 Spokane and while you were an officer in the Air Force?

2 **A. I don't recall whether I told them I was an**  
3 **officer.**

4 MR. LOBSENZ: Don't speculate if you don't  
5 recall. The question is, do you recall.

6 **A. I don't recall.**

7 BY MR. PHIPPS:

8 Q. Okay. From your understanding of the term  
9 "officership," are extramarital sexual relationships  
10 consistent with that concept?

11 **A. Officership?**

12 Q. Yeah.

13 **A. No.**

14 Q. So I'm interested in looking at your non-military  
15 employment background. So from high school on --

16 MS. LOBSENZ: Excuse me, Peter. I'm just  
17 asking. It sounds like you're going into a different  
18 subject, and we've been going for about an hour.

19 MR. PHIPPS: Oh, yeah. If you want to take  
20 a break, we can take a break. We can go off the record.

21 (A break was taken.)

22 BY MR. PHIPPS:

23 Q. I think where I want to go here is just to touch  
24 base on your nonmilitary employment. Probably the  
25 easiest way to start on this is maybe to just have you

1 BY MR. PHIPPS:

2 Q. And the question here is how many members of the  
3 military have you been attracted to. Again, it's a how  
4 many question, not a who question, by name.

5 **A. Four.**

6 Q. Were any of those members at McChord while you  
7 were at McChord?

8 **A. No.**

9 Q. Of those four, how many of them were male and how  
10 many of them were female?

11 **A. Two.**

12 Q. Two each?

13 **A. Yes.**

14 Q. Have you ever engaged in homosexual acts with any  
15 other member of the military? And I don't want names.

16 **A. Yes.**

17 Q. How many persons?

18 **A. Two.**

19 Q. And roughly when was that? Roughly when were  
20 those instances when you engaged in other sexual acts  
21 with other members of the military?

22 **A. Between the years of '88 and '95.**

23 Q. Were those persons officers or enlisted?

24 **A. Yes.**

25 Q. Well, okay. Were they officers?

1           **A. Yes.**

2           Q. They were both officers?

3           **A. Yes.**

4           Q. Did you ever work for either one of them?

5           **A. No, I did not.**

6           Q. Did either of them work for you?

7           **A. No, they did not.**

8           Q. What branch of service were they in?

9           **A. Air Force.**

10          Q. Did you ever live with either of those persons?

11          **A. Yes, I did.**

12          Q. Okay. Did you live with both of those persons?

13          **A. No, I did not.**

14          Q. You lived with one of them?

15          **A. That was a statement.**

16          Q. Question mark. Did you live with one of them?

17          **A. Yes.**

18          Q. Have you ever engaged in homosexual acts with any

19          civilian employees or contract employees of the

20          Department of Defense or any branch of military service?

21          **A. No.**

22          Q. Did you ever tell any member of the 446 Wing that

23          you were gay or lesbian or words to that effect?

24                        MR. LOBSENZ: Well, that makes me more

25          inclined to object to the form because of "words to that

1 Q. Under twenty? Under fifteen?

2 **A. Under twenty.**

3 Q. In addition to those people, did you contact  
4 anyone else to see if they would provide any statement  
5 in support of your discharge or your litigation or your  
6 case generally?

7 **A. Yes.**

8 Q. Roughly how many people did you contact?

9 **A. Less than five. There were people that have  
10 said, if you ever need anything, let me know.**

11 Q. So you're taking them up on their offer  
12 essentially?

13 **A. Yes.**

14 Q. Did you ever tell anyone who was providing a  
15 sworn statement for you or any statement for you, the  
16 reasons that you understood the Air Force was  
17 investigating you for homosexual conduct?

18 **A. I don't recall.**

19 Q. Well, I will ask this more specifically. Before  
20 any of these people provided a sworn statement or any  
21 statement on your behalf, did you ever tell them or  
22 explain to them the specific reasons that you understood  
23 the Air Force was investigating you for homosexual  
24 conduct?

25 **A. I think someone told me.**



1 Q. And what did they tell you?

2 **A. They said -- I can't remember specific. I can't**  
3 **remember specific things.**

4 Q. Did they say that they --

5 **A. They said I heard that, you know, I know why or I**  
6 **heard why.**

7 Q. Okay. So you can't recall the specifics of what  
8 they said or that they didn't reveal specifics of what  
9 they knew?

10 **A. I can't recall specifics.**

11 Q. Did you tell anyone who provided statements for  
12 your discharge or for your litigation the instances of  
13 homosexual acts that you engaged in?

14 **A. No.**

15 Q. Did you tell anyone who provided sworn statements  
16 for you as to why you would want a sworn statement from  
17 them or why it would be in your interest to receive a  
18 sworn statement from them?

19 **A. Yes.**

20 Q. Who did you speak with about that?

21 **A. I don't know exactly who.**

22 Q. Well, what did you say?

23 MR. LOBSENZ: Go ahead. Go ahead.

24 **A. Well, I recall generally that they would ask what**  
25 **was needed and I would say speak to -- speak to what you**

# EXHIBIT D

Deposition of Dennis Laich

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

- - -

MAJOR MARGARET WITT, :

Plaintiff, :

vs. : Case No. CO6-5195RBL

UNITED STATES DEPARTMENT :

OF THE AIR FORCE, et al., :

Defendants. :

- - -

Deposition of

MAJOR GENERAL (RETIRED) DENNIS LAICH

a witness herein, called by the Defendant for cross-examination under the applicable Rules of Ohio Civil Court Procedure, taken before me, Heidi L. Funderburk, a Professional Reporter and Notary Public in and for the State of Ohio, pursuant to Notice, at the offices of Jones, Day, on Thursday, June 2, 2010, commencing at approximately 10:07 a.m.

- - -

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35 East Gay Street, Suite 300  
Columbus, Ohio 43215  
(614) 221-4034

1 A. Uhm, vaguely --

2 Q. Okay.

3 A. -- familiar with it.

4 Q. Do you want to explain, to the extent that  
5 you can, what that concept means to you?

6 A. Unprofessional relationships, one aspect of  
7 it with which I'm somewhat familiar is with military  
8 officers who are in positions of responsibility and can  
9 influence final decisions within the military having  
10 relationships with either vendors or lobbyists  
11 advocating for advantage to some civilian company.

12 Q. Again, you probably can forecast what I'm  
13 going to ask.

14 But do you think that unprofessional -- an  
15 unprofessional relationship is consistent with being a  
16 good officer or the concepts of officership?

17 A. By definition I would answer no, with a  
18 caveat that I identified that I am not familiar  
19 intimately with that term as it applies to the  
20 military, and absent a full understanding I qualify my  
21 answer.

22 Q. And that's how just to clarify my questions  
23 I wanted to only use your understanding of the term  
24 that you previously defined to answer that question.

25 What about extra-marital sexual relations?

# EXHIBIT E

Deposition of Nathaniel Frank

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT TACOMA

MAJOR MARGARET WITT,	)	
	)	
Plaintiff,	)	No. C06-5195 RBL
	)	
-against-	)	
	)	
UNITED STATES DEPARTMENT OF	)	
THE AIR FORCE, et al.,	)	
	)	
Defendants.	)	

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DEPOSITION of NATHANIEL FRANK, Ph.D., an  
 Expert Witness, taken by Defendants at the offices of  
 The ACLU, 125 Broad Street, 18th Floor, New York, New  
 York, on Friday, May 14, 2010, commencing at 10 a.m.,  
 before Charleane M. Heading, a Registered Merit  
 Reporter and Notary Public within and for the State of  
 New York.

1 Frank

2 In addition, in some examples, for  
3 instance, where it was perceived that there were  
4 witch hunts, that fear in and of itself and the  
5 concern about being forced to, fear of inquiry,  
6 investigation, discharge, fear of harassment and  
7 violence and concern that people may be forced to  
8 tell on their friends about things is not good for  
9 the unit.

10 Q So do you think if certain unit  
11 members are placed in a position where they may  
12 have to, quote, "tell on their friends," that's  
13 adverse to furthering unit cohesion and morale?

14 A I think the fear of having to do  
15 that could be adverse to morale in the unit.

16 Q Now, on this last section that  
17 you've, on this section IX, you say, "Many of  
18 Major Witt's unit mates say they have long  
19 believed she is a lesbian."

20 When you say many, is this bounded  
21 by the number of declarations that you've read?

22 A Yes, it is, although some of the  
23 people in those declarations said that they  
24 believed many other people knew so that also  
25 informs the word "many."

# EXHIBIT F

Defendants Supplementary Response to  
Plaintiff's Interrogatory 12 (d)



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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE, et al.,

Defendants.

No. C06-5195 RBL

**DEFENDANTS' SUPPLEMENTAL  
OBJECTIONS AND RESPONSES TO  
PLAINTIFF'S INTERROGATORY  
NO. 12**

Pursuant to Rules 26(e) and 33 of the Federal Rules of Civil Procedure, defendants the Department of the Air Force; Robert M. Gates, the Secretary of Defense; Michael B. Donley, the Secretary of the Air Force; and Colonel Janette Moore-Harbert, the commander of the 446th Aeromedical Evacuation Squadron, McChord Air Force Base, hereby supplement their objections and responses to Interrogatory No. 12.

**INTERROGATORY NO. 12**

With respect to each person whom you expect to call as an expert witness:

- a. The expert's name and address;
- b. The subject matter on which the expert will testify;
- c. The substance of the facts upon which the expert will testify;

1 d. The opinions to which the expert will testify;

2 e. Summarize the grounds for each opinion the expert will give.

3 **RESPONSE:** Defendants hereby incorporate their previous objections to this request. In  
4 addition, defendants object to this interrogatory because it asks five discrete questions and, for  
5 that reason, constitutes five separate interrogatories under Rule 33(a).

6 Subject to and without waiving these objections, defendants respond as follows:

7 a. Lieutenant General Charles E. Stenner Jr., 155 Richard Ray Blvd, Robins AFB,  
8 GA 31098-1635.

9 b. General Stenner will testify to the need for a uniform personnel policy in the Air  
10 Force, as opposed to one that would apply to a specific geographical region. He will also offer  
11 testimony on the need for similar rules of conduct for the Reserves as to the regular active duty  
12 military.

13 c. The basis for General Stenner's testimony is his military training and experience,  
14 particularly his experience in command and senior leadership positions, which include the  
15 following:

- 16 • Commander, AFRC, Robins AFB, Ga., and Chief of Air Force Reserve,  
17 Headquarters U.S. Air Force, Washington, D.C. (June 2008 - present);
- 18 • Assistant Deputy Chief of Staff, Strategic Plans and Programs, Headquarters U. S.  
19 Air Force, Washington, D.C. (July 2006 - June 2008);
- 20 • Director, Plans and Programs, Headquarters AFRC, Robins AFB, Ga. (July 2003 -  
21 July 2006);
- 22 • Director, Operations, Headquarters Air Force Reserve Command, Robins AFB,  
23 Ga. (July 2003 - September 2003);
- 24 • Director, Transformation, USSOUTHCOM, Miami, Fla. (January 2003 - July  
25 2003);
- 26 • Director, Strategy, Policy and Plans, USSOUTHCOM, Miami, Fla. (September  
27 2002 - January 2003);
- Deputy Director, Strategy, Policy and Plans, U.S. Southern Command, Miami,

1 Fla. (May 2001 - September 2002);

- 2 • Commander, 482nd Fighter Wing, Homestead Air Reserve Base, Fla. (December
- 3 1998 - May 2001);
- 4 • Commander, 442nd Fighter Wing, Whiteman AFB, Mo. (August 1997 -
- 5 December 1998);
- 6 • Commander, 944th Operations Group, Luke AFB, Ariz. (March 1996 - August
- 7 1997);
- 8 • Special Assistant to the Commander, 944th Fighter Wing, Luke AFB, Ariz.
- 9 (December 1995 - March 1996);
- 10 • Commander, 419th Operations Group, Hill AFB, Utah (July 1994 - December
- 11 1995);
- 12 • Commander, 930th Operations Group, Grissom AFB, Ind. (November 1992 - July
- 13 1994);
- 14 • Commander, 442nd Operations Group, Richards-Gebaur AFB, Mo. (April 1992 -
- 15 November 1992); and
- 16 • Deputy Commander, Operations, 442nd Tactical Fighter Wing, Richards-Gebaur
- 17 AFB, Mo. (February 1991 - April 1992);

18 d. General Stenner will offer the following opinions:

- 19 (1) To further unit cohesion, morale, good order, and discipline, the
- 20 Air Force, an institution globally organized and globally assigned,
- 21 needs a uniform personnel policy, not different personnel policies
- 22 for separate geographical regions. This need for uniformity
- 23 extends to the homosexual conduct policy; it cannot be applied
- 24 differently in various geographical regions without disruptions to
- 25 unit cohesion, morale, good order, and discipline.
- 26 (2) Because there must be a seamless integration between the Air
- 27 Force Reserve and the Regular component, there is a need for
- 3 parity in their personnel policies, including the homosexual

1 conduct policy. It is essential for unit cohesion, morale, good  
2 order, and discipline that similar rules of conduct apply to Air  
3 Force Reservists and to Regular active duty members.

4 (3) Major Witt's discharge from the Air Force Reserves furthers basic  
5 military functionality as well as unit cohesion, morale, good order,  
6 and discipline because if she were not discharged, that would mean  
7 that Air Force personnel policies were not uniformly applied across  
8 geographical boundaries, which would disrupt unit cohesion,  
9 morale, good order, and discipline.

10 e. General Stenner's opinions are based on thirty-five plus years military service and  
11 training, including multiple tours as a commander at the group, wing, and major command levels  
12 (as detailed further in response to subsection b).

13  
14 Dated: April 2, 2010

Respectfully submitted,

15 TONY WEST  
16 Assistant Attorney General

17 VINCENT M. GARVEY  
18 Deputy Branch Director

19 

20 PETER J. PHIPPS  
21 BRYAN R. DIEDERICH  
22 STEPHEN J. BUCKINGHAM  
23 United States Department of Justice  
24 Civil Division, Federal Programs Branch  
25 Tel: (202) 616-8482  
26 Fax: (202) 616-8470  
27 E-mail: peter.phipps@usdoj.gov

28  
29 Of Counsel:  
30 LT. COL. TODI S. CARNES  
31 1777 N. Kent Street, Suite 11400  
32 Rosslyn, VA 22209-2133  
33 (703) 588-8428

34 Mailing Address:  
35 Post Office Box 883, Ben Franklin Station  
36 Washington, D.C. 20044

37 Courier Address:  
38 20 Massachusetts Ave., N.W.  
39 Washington, D.C. 20001

40 *Attorneys for Defendants*

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VERIFICATION

I, Sharon A. Shaffer, declare under penalty of perjury that the foregoing responses are true and correct to the best of my knowledge, information, belief, and recollection.

Dated: 2 April 2010

  
\_\_\_\_\_  
Sharon A. Shaffer

# EXHIBIT G

Deposition of Charles Stenner

U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,  
Plaintiff,

vs

FILE NO.  
C06-5195 RBL

UNITED STATES DEPARTMENT OF THE  
AIR FORCE; DONALD H. RUMSFELD,  
Secretary of Defense; MICHAEL W.  
WYNNE, Secretary of the Department  
of Air Force; and COLONEL MARY L.  
WALKER, Commander, 446th  
Aeromedical Evacuation Squadron,  
McChord AFB,

Defendants.

---

DEPOSITION OF  
LIEUTENANT GENERAL CHARLES EDWIN STENNER, JR.

Monday, May 17, 2010  
8:50 a.m.

Taken by counsel for the Plaintiff at:

Robins Air Force Base  
Warner Robins, Georgia

Stenographically Reported By:

Gaye D. Traynor  
Certified Court Reporter-B2209  
State of Georgia

1 necessarily result in no gay or lesbian members serving  
2 openly?

3 MR. PHIPPS: Objection: Vague, calls for  
4 legal conclusion, calls for speculation.

5 THE WITNESS: A policy that's not applied  
6 uniformly degrades. A policy that is applied uniformly  
7 sustains unit cohesion, good order and discipline and  
8 ultimately readiness for the war fighter.

9 BY MS. DUNNE:

10 Q Do you understand what I mean when I say the  
11 term "serve openly." So gay or lesbian service members  
12 serving openly. Do you understand when I use that term?

13 MR. PHIPPS: Objection: Vague.

14 A (No response.)

15 BY MS. DUNNE:

16 Q What -- how would you define a service member  
17 who is gay or lesbian, i.e., engages in acts with a member  
18 of the same sex but they are serving in their unit and  
19 everyone knows of their sexual orientation? What's the  
20 phrase you would use because I'm using...

21 A The other option is for you to define what you  
22 mean by openly gay. So I'm -- because...

23 Q So, sir, when I say openly gay and lesbian,  
24 that means somebody who's serving within their unit that  
25 other unit members and the Commander know they're gay or



# EXHIBIT H

Deposition of Eric Crabtree

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARGARET WITT, Major, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES DEPARTMENT OF THE )  
AIR FORCE; ROBERT M. GATES, )  
Secretary of Defense; MICHAEL B. )  
DONLEY, Secretary of Department )  
of the Air Force, Colonel; )  
JANETTE L. MOORE-HARBERT, )  
Commander of the 446th )  
Aeromedical Evacuation Squadron, )  
Colonel; McChord AFB, )  
 )  
Defendants. )  
 )

NO. C06-5195-RBL

Deposition of MAJOR GENERAL ERIC W.  
CRABTREE, taken on behalf of Plaintiff, at  
2040 Main Street, Suite 250, Irvine,  
California, commencing at the hour of  
1:12 p.m., ending at 2:31 p.m., on Wednesday,  
March 24, 2010, before MICHELLE  
LOTT-MEYERHOFER, CSR 8226

1           A    No.

2           Q    This might trigger a memory or it might not.  Is  
3  it possible that you knew, before the Summer of 2004,  
4  that there is this Major who's on the Promotional  
5  Recruitment Literature for a career in the Air Force  
6  Nursing Corp. that features her photograph?  Is that  
7  anything you every knew?

8           A    No, not until after the action started.

9           Q    So what is the first thing you ever found out  
10 about Major Margaret Witt?

11           MR. DIEDERICH:  Objection.  Let me just caution  
12 the General to the extent it's a conversation you had  
13 with an attorney about the case.  I don't know what the  
14 answer is.  I just want to caution him to be careful  
15 about conversations with an attorney.  That's all.

16           MR. LOBSENZ:  Okay.

17           Q    Well, why don't you answer this question yes or  
18 no.  Is the very first thing you ever found out about  
19 Major Witt something you learned from an attorney?

20           A    No.  It was from, actually, headquarters.

21           Q    Okay.  So what did you find out at that time?

22           A    I was told that -- I received notification that  
23 a complaint had been filed through the chief of staff of  
24 the Air Force's Office alleging that Major Witt was  
25 involved with a woman in the Spokane area.  And I was

1 directed to do an investigation to find out if the  
2 allegations were true.

3 Q Who is it that directed you to do an  
4 investigation?

5 A It was a letter from the Air Force Reserve  
6 Command Headquarters.

7 Q Air Force Reserve Command is in Robins?

8 A Yes, Robins Air Force Base.

9 Q So it's the Commander of Air Force Base Robins  
10 that's sending you this directive?

11 A It actually -- I'm thinking it came through the  
12 Judge Advocate's Office there.

13 Q So is there a name? Who is actually giving the  
14 order?

15 A I don't know. If I had a copy of the letter, I  
16 could tell you. But I don't know exactly who it was at  
17 that time.

18 Q But it's someone at Robins?

19 A Yes.

20 Q Who is, at that time, Commander of Air Force  
21 Reserve?

22 A Yes.

23 Q So if we just figured out who the Commander was  
24 of Air Force Reserve in the Summer of 2004, that would be  
25 the person probably?

1 A Yes.

2 Q Would that be sent to you by e-mail?

3 A Not normally. Normally, it would come by  
4 regular mail or electronically as an attachment to an  
5 e-mail?

6 Q Okay. And do you know what the attachments were  
7 that you got?

8 A No, I don't.

9 Q Do you know when you would have received these  
10 instructions from General Sherrard?

11 MR. DIEDERICH: Objection. Form.

12 THE WITNESS: No, I don't know the specific  
13 date.

14 BY MR. LOBSENZ:

15 Q I'll show you these documents in a moment, but  
16 there are orders from Major General Duignan to you that  
17 are dated July 7th of 2004. Are you able to say anything  
18 about approximate periods of time so that you can go  
19 backwards from when you got the orders from Duignan that  
20 you can say it must have been about a week or about a  
21 month or about five months that I got these orders from  
22 Sherrard? Can you say anything about that period of  
23 time?

24 MR. DIEDERICH: Objection to form.

25 THE WITNESS: No, I really don't know. It would

# EXHIBIT I

Declaration of Eric Crabtree

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE, et al.

Defendants.

No. C06-5195 RBL

**DECLARATION OF ERIC W.  
CRABTREE**

1. I, Major General Eric W. Crabtree, am currently assigned to the 4th Air Force as the Commander. 4th Air Force is located on March Air Reserve Base, California. As the Commander, I have command supervision of the Air Force Reserve's long-range airlift and air refueling units located throughout the United States, Hawaii, and Guam. I have been in this position since January 2009.

2. Previously, I have served as Commander at Headquarters, Air Reserve Personnel Center in Denver, Colorado, and the 446th Airlift Wing at McChord Air Force Base, Washington. I have also served as Commander at the group and squadron level for numerous other Air Force Reserve Command units.





# EXHIBIT J

Deposition of Anthony Greenwald

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

---

MAJOR MARGARET WITT,	)
	)
Plaintiff,	)
	)
VS	)
	)
UNITED STATES DEPARTMENT OF THE	)
AIR FORCE; COLONEL MARY L.	)
WALKER, COMMANDER, 446TH	)
AEROMEDICAL EVACUATION SQUADRON,	)
McCHORD AIR FORCE BASE; and	)
JAMES O. ROCHE, SECRETARY,	)
DEPARTMENT OF THE AIR FORCE,	)
	)
Defendants,	)

---

DEPOSITION OF ANTHONY GREENWALD, Ph.D.

---

May 21, 2010

1 mind.

2 Q Okay. Do you know the type of unit that the 446th  
3 Aeromedical Evacuation Squadron is?

4 A Not in any detail.

5 Q Do you know the type of work -- just to shorten this,  
6 because it's very long to say, I'm going to say the 446th  
7 AES. It will probably save us 15 minutes of spelling it  
8 out. Do you know the type of duties that the 446th AES  
9 performs?

10 A Aeromedical Evacuation. And I saw some incidental  
11 references to the specifics of this in the declarations  
12 that I read. So to the extent that I have any detail  
13 that's specific to the 446th, it would come from the  
14 content of those declarations in which there were mentions  
15 of some specific activities done by that unit.

16 Q Do you know if the 446th AES deploys in combat missions?

17 A I believe they do. But this is not something that I have  
18 specific knowledge of.

19 Q Have you ever studied the military organization before?

20 A I have never done research in which the subjects were  
21 members of a military organization.

22 Q So is that a no?

23 A It's almost a no.

24 Q Okay. I want to know about the "almost," I suppose.

25 A I did supervise the research of an Army lieutenant who was

1 independently and before I undertook to do this report.

2 Q It's true, isn't it, that some people are better at  
3 interpreting the information you're discussing than  
4 others; is that right?

5 A I would say that's almost certainly true. But I actually  
6 don't know of studies explicitly of this. But it's quite  
7 likely that the data from existing studies could be  
8 analyzed to show that.

9 Q And it's possible that someone could reach an inference  
10 and not actually know that someone is gay; right?

11 A Yes. That was my point.

12 Q So when you say that people were informally aware, does it  
13 mean that they drew an inference but didn't necessarily  
14 know?

15 A I would not use the language that way. If you draw an  
16 inference, you do know in the way that I think about this.  
17 I think you're making a distinction between assuming the  
18 truth of something and knowing on the basis of factual  
19 evidence that it is true. But both of those are forms of  
20 knowing.

21 Q I don't mean to take this into an epistemological  
22 digression. But I think that's where we're headed. Let's  
23 back up a second. It's true that someone can reach an  
24 inference and be wrong; right?

25 A Correct.

# EXHIBIT K

Deposition of Leah Crawford

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

---

MAJOR MARGARET WITT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	C065195RBL
	)	
UNITED STATES DEPARTMENT OF	)	
THE AIR FORCE; COLONEL MARY L.)	)	
WALKER, Commander 446th	)	
Aeromedical Evacuation	)	
Squadron, McChord Air Force	)	
Base; and JAMES G. ROCHE,	)	
SECRETARY, DEPARTMENT OF THE	)	
AIR FORCE,	)	
	)	
Defendants.	)	

---

DEPOSITION UPON ORAL EXAMINATION OF LEAH CRAWFORD

---

APPEARANCES:

FOR THE PLAINTIFF:	JAMES E. LOBSENZ CARNEY, BADLEY, SPELLMAN 701 FIFTH AVENUE, SUITE 3600 SEATTLE, WASHINGTON 98104
FOR THE DEFENDANTS:	STEPHEN J. BUCKINGHAM U.S. DEPARTMENT OF JUSTICE 20 MASSACHUSETTS AVENUE NW WASHINGTON, DC 20044

MARCH 17, 2010  
SEATTLE, WASHINGTON

1 and... Didn't get to catch up with her.

2 Q And was that the last time you had contacted her, or  
3 have you e-mailed with her or sent her a letter or any  
4 other contact with her since then?

5 A No.

6 Q And could you tell me again why you think Maj. Witt was  
7 discharged?

8 A For an accusation that she was a lesbian.

9 Q Do you feel like you know the facts surrounding  
10 Maj. Witt's discharge?

11 A No.

12 Q Do you think that there are facts that you don't know  
13 about Maj. Witt's discharge?

14 A Yes.

15 Q Has anyone explained to you Maj. Witt's discharge fact  
16 by fact?

17 A No.

18 Q Anyone in a position of authority at the Air Force tell  
19 you about Maj. Witt's discharge?

20 A No. There -- The commander had mentioned something a  
21 couple months back stating that this was going to be in  
22 the news and that there was a person that used to be in  
23 our unit that got kicked out because of the  
24 don't ask/don't tell; that was it.

25 Q Did she give you any other information?

# EXHIBIT L

Deposition of Stacey Julian



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

---

MAJOR MARGARET WITT, )  
 )  
 )  
 Plaintiff, )  
 )  
 v. ) No. C06-5195 RBL  
 )  
 UNITED STATES DEPARTMENT OF THE )  
 AIR FORCE, et al, )  
 )  
 Defendants. )

---

DEPOSITION UPON ORAL EXAMINATION OF  
MASTER SERGEANT STACEY JULIAN

---

TAKEN AT  
Carney Badley Spellman  
701 Fifth Avenue, Suite 3600  
Seattle, WA 98104

MARCH 18, 2010

THURSDAY, 1:30 P.M.

Reported by:

MARIE WHITE, CSR # WH-IT-EM-\*29906

1           supposed to contact them first, give them a list of  
2           names, then they would contact you together type deal,  
3           so that there was a process they wanted us to follow  
4           that process.

5   Q.    So that is why instead of returning my messages you did  
6           what?  You went to Command and said I have gotten this  
7           contact?

8   A.    Right.

9   Q.    At the same time are you generally aware that I was  
10          able to talk to your wife?

11  A.    I am.

12  Q.    And she -- I don't know, would you have been there when  
13          she was explaining to me why you were not returning the  
14          calls?

15  A.    I was, but we had guests that night, so she was in  
16          another room, so I didn't hear the conversation.

17  Q.    Okay.  Do you have any plans to retire in the immediate  
18          future?

19  A.    Not currently.

20  Q.    Why are we laughing?  Because you think somebody else  
21          might have plans for you?

22  A.    Well, my wife wants me to retire.  But, no, I don't  
23          have any current plans to retire.

24                   MR. LOBSENZ:  Okay.  I am probably done, but  
25                   I'll take a short recess, talk to my colleague.  If I

# EXHIBIT M

Deposition of Jill Robinson

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

---

MAJOR MARGARET WITT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	C065195RBL
	)	
UNITED STATES DEPARTMENT OF	)	
THE AIR FORCE; COLONEL MARY L.)	)	
WALKER, Commander 446th	)	
Aeromedical Evacuation	)	
Squadron, McChord Air Force	)	
Base; and JAMES G. ROCHE,	)	
SECRETARY, DEPARTMENT OF THE	)	
AIR FORCE,	)	
	)	
Defendants.	)	

---

DEPOSITION UPON ORAL EXAMINATION OF JILL ROBINSON

---

APPEARANCES:

FOR THE PLAINTIFF:	JAMES E. LOBSENZ CARNEY, BADLEY, SPELLMAN 701 FIFTH AVENUE, SUITE 3600 SEATTLE, WASHINGTON 98104
--------------------	---

FOR THE DEFENDANTS:	PETER J. PHIPPS STEPHEN J. BUCKINGHAM U.S. DEPARTMENT OF JUSTICE 20 MASSACHUSETTS AVENUE NW WASHINGTON, DC 20044
---------------------	--

MARCH 16, 2010

1 but I don't -- I haven't seen him since he left.

2 Q Did you ever hear anyone in the unit complain that they  
3 were serving with Toni Wilson believed to be a lesbian?

4 A No.

5 Q Did you ever hear anyone complain that they were serving  
6 with Bill Barkley, a man assumed to be a gay person?

7 A No.

8 Q No?

9 A Odd behaviors. He was just a quirky guy and but there  
10 wasn't...

11 Q Let's see, did you say, did Toni Wilson have a partner?

12 A I did not say. I don't know if she did.

13 Q And Bill Barkley after his break up of his marriage, do  
14 you know whether he had a partner or not?

15 A No.

16 Q Now, aside from those three people, Lisa Chisa,  
17 Toni Wilson, Bill Barkley, there's some other people who  
18 are still in; is that correct?

19 A Yes.

20 Q Who you believe to be gay or lesbian; right?

21 A Correct.

22 Q First of all, just how many in numbers, other people is  
23 that group in your mind?

24 A Six.

25 Q Six. Okay. And of those six, how many are gay men and

1 Q And I think my question went to did she ever tell you  
2 specifically why she's no longer employed by the Air  
3 Force?

4 A Not specifically.

5 Q Okay. Did you get a general idea as to why?

6 A Yes.

7 Q And what was that general idea?

8 A It was that she was a lesbian.

9 Q And did she tell you that, or did you hear that through  
10 rumors?

11 A Through rumors.

12 Q But you didn't know the specific facts regarding what  
13 led to her suspension and discharge?

14 A The specifics and details, no.

15 Q Have you voluntarily provided statements in support of  
16 her case?

17 A Yes. I could be construed as supporting based on  
18 characters, as stated.

19 MR. PHIPPS: Speaking of statements, let me  
20 hand you what we'll mark as Exhibit 1.

21 (Exhibit Number 1 marked.)

22 Q Now, do you recognize this document?

23 A Yes.

24 Q What is it?

25 A Labeled as a character reference referring to

# EXHIBIT N

Deposition of Kenneth Winslow

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

---

MAJOR MARGARET WITT, )  
 )  
 )  
 Plaintiff, )  
 )  
 v. ) No. C06-5195 RBL  
 )  
 UNITED STATES DEPARTMENT OF THE )  
 AIR FORCE, et al, )  
 )  
 Defendants. )

---

DEPOSITION UPON ORAL EXAMINATION OF  
LIEUTENANT COLONEL KENNETH WINSLOW

---

TAKEN AT

Carney Badley Spellman  
701 Fifth Avenue, Suite 3600  
Seattle, WA 98104

MARCH 18, 2010

THURSDAY, 9:00 A.M.

Reported by:

MARIE WHITE, CSR # WH-IT-EM-\*29906



1                   MR. BUCKINGHAM: I'm sorry, is there a Bates  
2 Stamp on this?

3                   MR. LOBSENZ: This one doesn't. I am trying  
4 to remember which, this is already an exhibit to  
5 someone else's deposition.

6                   MS. KUNG: To Colonel Moore-Harbert.

7                   MR. LOBSENZ: Colonel Moore-Harbert's.  
8 Because her signature, I think, is on here somewhere,  
9 too.

10                                 \* \* \* \* \*

11   CROSS EXAMINATION

12 BY MR. BUCKINGHAM:

13 Q. Lieutenant Colonel Winslow, do you feel like you know  
14 why Major Witt was discharged?

15 A. Yes, I do now.

16 Q. Do you feel like you know the entire story?

17 A. No.

18 Q. Do you think that there are facts surrounding her  
19 discharge that you don't know about?

20 A. Yes.

21 Q. Were you close with Major Witt?

22 A. I guess you'd have to define close.

23 Q. Would you consider her a friend?

24 A. Yes.

25 Q. When was the last time you saw her?

# EXHIBIT O

Deposition of Edmund Hrivnak

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

---

MAJOR MARGARET WITT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	C065195RBL
	)	
UNITED STATES DEPARTMENT OF	)	
THE AIR FORCE; COLONEL MARY L.)	)	
WALKER, Commander 446th	)	
Aeromedical Evacuation	)	
Squadron, McChord Air Force	)	
Base; and JAMES G. ROCHE,	)	
SECRETARY, DEPARTMENT OF THE	)	
AIR FORCE,	)	
	)	
Defendants.	)	

---

DEPOSITION UPON ORAL EXAMINATION OF EDMOND HRIVNAK

---

APPEARANCES:

FOR THE PLAINTIFF:	JAMES E. LOBSENZ CARNEY, BADLEY, SPELLMAN 701 FIFTH AVENUE, SUITE 3600 SEATTLE, WASHINGTON 98104
FOR THE DEFENDANTS:	PETER J. PHIPPS STEPHEN J. BUCKINGHAM U.S. DEPARTMENT OF JUSTICE 20 MASSACHUSETTS AVENUE NW WASHINGTON, DC 20044

MARCH 17, 2010

1           you're talking five years ago.

2   Q    So, let's talk about May 2005 when you really left the  
3           unit.

4   A    Yeah.

5   Q    How many gays and lesbians combined?

6   A    Well, I didn't keep count.

7                   MR. PHIPPS:  Objection.  Foundation.

8                   MR. LOBSENZ:  That's okay.

9   A    I didn't keep count, but I would guess six to eight gays  
10           and lesbians.

11  Q    I'm not at this moment anyway, asking you for any names,  
12           okay?

13  A    Okay.

14  Q    But just at this moment what proportion of that six to  
15           eight or so, is it evenly divided men and women, do you  
16           think it's more one gender than the other, what?

17  A    I would say, yeah, more female than male.  I mean, we're  
18           a medical unit, so there's generally more females than  
19           males.

20  Q    Okay.

21  A    So, just the numbers?

22  Q    Okay.

23  A    And so I would say six female lesbians, two gay men.

24  Q    Are any of the people that you believe are gay or  
25           lesbian now presently retired from the Air Force?