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The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN WASHINGTON
AT

MAJOR MARGARET WITT,

Plaintiff,

v.

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

Defendants.

No. 06-5195 RBL

REVISED JOINT WITNESS AND
EXHIBIT LIST

The parties jointly submit the following witness and exhibit list for Plaintiff and Defendants.

I. WITNESSES

A. Expert Witnesses

The names and addresses of the expert witnesses to be used by each party at the trial and the issues upon which each will testify are:

(a) On behalf of Plaintiff:

9/14 (1) Anthony Greenwald (Seattle WA); Professor Greenwald will testify concerning established principles of social and cognitive psychology that demonstrate people mistakenly overestimate the problems that will result when a minority group is integrated into an ongoing work group; and he will identify four factors which lead military authorities to erroneously

1 predict the behavior and attitudes of heterosexual servicemembers if gay and lesbian
2 servicemembers are allowed to serve openly.

3 9/16 (2) Nathaniel Frank (Brooklyn NY); Mr. Frank will testify on foreign militaries who
4 permit open service of gays and lesbians and the lack of evidence showing any negative effect on
5 unit cohesion, morale, discipline or good order; on changing social attitudes towards gay and
6 lesbian individuals within the United States and U.S. Armed Forces; and on the history of mili-
7 tary policies concerning gays and lesbians in the U.S. Armed Forces and other paramilitary em-
8 ployers.

9 9/20 (3) Elizabeth Kier (Seattle, WA); Professor Kier will testify on social science research
10 demonstrating that allowing gays and lesbians to serve openly in the military would have a posi-
11 tive effect on unit cohesion, morale, discipline or good order.

11 (b) *On behalf of Defendants:*

12 9/21 (1) Lt. General Charles E. Stenner, Jr. (Robins AFB, GA); General Stenner will testify on
13 the need for uniform personnel policies in the military; the conclusion that if plaintiff were not
14 discharged for violations of the 'Don't Ask Don't Tell' policy, then the policy would not be
15 applied uniformly; the conclusion that such a non-uniform application of a personnel policy, if
16 done in one case or regionally, would risk unit cohesion, morale, good order, and discipline.

17 **B. Other Witnesses**

18 The names and addresses of witnesses, other than experts, to be used by each party at the time of
19 trial and the general nature of the testimony of each are:

20 (a) *On behalf of Plaintiff:*

21 1. Lisa Chisa (Gig Harbor, WA); Ms. Chisa will testify as to the 446th AES unit
22 culture; her experiences of introducing her current same-sex spouse to 446th AES members; her
23 reaction to Major Witt's suspension and discharge. (will testify)

24 9/14 2. Thomas Hansen (preservation deposition); Mr. Hansen will testify as to the 446th
25 AES unit culture; his formal evaluations of Major Witt's performance and effect on unit
26 cohesion. (will testify)

1 9/16 3. Edmond Hrivnak (Spanaway, WA); Mr. Hrivnak will testify as to the 446th AES
2 unit culture; his experiences serving with Major Witt; his reaction to Major Witt's suspension
3 and discharge and the impact of Major Witt's discharge. (will testify)

4 9/14 4. Heather Julian (Spanaway, WA); Ms. Julian will testify as to the 446th AES unit
5 culture; her experiences serving with Major Witt; her reaction to Major Witt's suspension and
6 discharge; Major Witt's attendance at her retirement ceremony. (will testify)

7 9/14 5. Stacey Julian (Spanaway, WA); Mr. Julian will testify as to the 446th AES unit
8 culture; his experiences serving with Major Witt; his reaction to Major Witt's suspension and
9 discharge. (will testify)

10 9/13 6. Jenny Kopfstein (San Diego, CA); Ms. Kopfstein will testify as to her personal
11 experience serving as an officer in the U.S. Navy; the disclosure of her sexual orientation and its
12 impact on her service; her subsequent service as an open lesbian in the Navy; her discharge from
13 the U.S. Navy under Don't Ask Don't Tell. (will testify)

14 9/15 7. Judith Krill (Dupont, WA); Ms. Krill will testify as to the 446th AES unit culture;
15 her experiences serving with Major Witt; her personal observations of 446th AES
16 servicemembers believed to be gay or lesbian in her role as Unit Deployment Manager; her
17 reaction to Major Witt's suspension and discharge. (will testify)

18 9/15 8. Anthony Loverde (preservation deposition); ^{Video Dep. Played} Mr. Loverde will testify as to his
19 personal experience serving as a Staff Sergeant in the U.S. Air Force; his personal experiences
20 on deployment; the disclosure of his sexual orientation and its impact on his service; his open
21 service as a gay man in the Air Force; his discharge from the U.S. Air Force under Don't Ask
22 Don't Tell; his subsequent service as an openly gay contractor in Afghanistan and Iraq. (will
23 testify)

24 9/13 9. Darren Manzella (Rochester, NY); Mr. Manzella will testify as to his personal
25 experience serving as a Sergeant in the U.S. Army; his personal experiences on deployment; the
26 disclosure of his sexual orientation and its impact on his service; his open service as a gay man in
the Army; his discharge from the U.S. Army under Don't Ask Don't Tell. (will testify)

1 9/15 10. Faith Mueller (Tacoma, WA); Ms. Mueller will testify as to the 446th AES unit
2 culture; her experiences serving with Major Witt; her reaction to Major Witt's suspension and
3 discharge. (will testify)

4 9/13 11. Vince Oda (W. Syracuse, UT); Mr. Oda will testify as to the 446th AES unit
5 culture; his experiences serving with Major Witt; his reaction to Major Witt's suspension and
6 discharge. (will testify)

7 12. David Poulsen (Lakewood, WA); Mr. Poulsen will testify as to the 446th AES unit
8 culture for the 36 years that he served in the squadron; his experiences serving with Major Witt;
9 his reaction to Major Witt's suspension and discharge. (will testify)

10 9/15 13. Jill Robinson (Tacoma, WA); Ms. Robinson will testify as to the 446th AES unit
11 culture from both an enlisted perspective and that of a commissioned officer; her experiences
12 serving with Major Witt; her reaction to Major Witt's suspension and discharge; her personal
13 knowledge of other gay or lesbian members in the unit. (will testify)

14 9/13 14. James Schaffer (Spokane, WA); Mr. Schaffer will testify as to the 446th AES unit
15 culture; his experiences serving with Major Witt; his experiences deploying with Major Witt; his
16 knowledge of other gay and lesbian members in the unit; his reaction to Major Witt's suspension
17 and discharge and the impact of Major Witt's discharge; his recognition of Major Witt at his own
18 retirement ceremony. (will testify)

19 9/15 15. Heidi Smidt (Tacoma, WA); Ms. Smidt will testify as to the 40th/446th AES unit
20 culture that existed prior to and at the time Major Witt joined the unit; her experiences serving
21 with Major Witt; her observations of other gay and lesbian servicemembers in the unit; her
22 reaction to Major Witt's suspension and discharge. (will testify)

23 16. Kenneth Winslow (Issaquah, WA); Mr. Winslow will testify as to the 446th AES
24 unit culture; his formal evaluations of Major Witt's performance and effect on unit cohesion.
25 (will testify)

26 9/20 17. Margaret Witt (Spokane, WA); Ms. Witt will testify as to her service in the 446th
AES and its unit's culture; her suspension and discharge from the Air Force. (will testify)

1 18. Robert Gates (1000 Defense Pentagon, Washington, D.C. 20301); Secretary Gates
2 will testify as to the Department of Defense's current commitment to determine how to
3 implement complete repeal of the Don't Ask Don't Tell policy (will testify unless DOJ
4 withdraws its objections to Exhibits 63, 64, 65, and 80).

5 19. Col. (Ret.) Mary Walker (as designated in Exhibit 143): Colonel Walker will
6 testify as to perceptions of an inappropriate sexual relationship between the former unit
7 commander and her executive officer; as to who can initiate a fact-finding inquiry into
8 homosexual conduct; as to her experience and knowledge of current deployment conditions; and
9 as to whether Major Witt's presence in the 446th AES has a negative impact on unit cohesion,
10 morale, good order and discipline. (testify by deposition)

11 20. General Eric Crabtree (as designated in Exhibit 144): General Crabtree will testify
12 as to how he was ordered to initiate a fact-finding inquiry and the investigation into Plaintiff; as
13 to Plaintiff's presence in the unit and her effect on unit cohesion; as to his experience with
14 investigations and discharges under the Don't Ask Don't Tell policy and the open service of gay
15 and lesbian U.S. servicemembers. (testify by deposition)

16 21. Plaintiff also reserves the right to call as a witness any individual identified on
17 Defendants' Witness list.

18 ***(b) On Behalf of Defendants:***

19 9/21 1. Chief Master Sergeant Janice Kallinen (446 MSS/DPMS (Attn: CMSgt
20 Kallinen) 1205 12th St NE Ste 120 Joint Base Lewis McChord WA 98438-1320);
21 Chief Master Sergeant Kallinen will testify as to plaintiff's honorable discharge and
22 her discharge certificate. (will testify)

23 2. Margaret Witt (Spokane, WA); Ms. Witt will testify as to her service
24 in, suspension from, and discharge from the Air Force Reserve; publicity regarding
25 this lawsuit and/or the 'Don't Ask, Don't Tell' policy; her instances of conduct
26 (statements and acts) implicating the 'Don't Ask, Don't Tell' policy; standards of

1 conduct for Air Force officers; her employment after the Air Force Reserve. (may
2 testify)

3 3. Col. Janette Moore-Harbert (446th AES, Barnes Bldg. 1216 Suite A-125,
4 Joint base Lewis McChord, WA 98438); Col. Moore-Harbert will testify as to the
5 effect that plaintiff's potential return to service would have on unit cohesion, morale,
6 good order and discipline on her squadron; standards of conduct for Air Force officers.
(may testify)

7 4. Lt. Col. Adam Torem (10471 20th St. Suite 262, Elmendorf AFB, AK
8 99506); Lt. Col. Torem will testify as to the report and findings of fact regarding
9 plaintiff's conduct; standards of conduct for Air Force officers. (may testify)

10 5. Pat McChesney (Spokane, WA); Mr. McChesney will testify as to facts
11 regarding his notification. (may testify)

12 6. Col. (Ret.) Linda Carneal (Spanaway WA); Col. Carneal will testify as
13 to the absence of any sexual relationship between her and her executive officer;
14 standards of conduct for Air Force officers. (may testify)

15 7. MSgt. Steve Westmoreland (155 Richard Bay Blvd., Robins AFB, GA
16 31098); MSgt. Westmoreland will testify as to the administrative process concerning
17 involuntary discharge from the Air Force Reserve. (may testify)

18 8. Tiffany Jensen (Spokane, WA); Ms. Jensen will testify as to the factual
19 circumstances relating to conduct that led to plaintiff's discharge. (may testify)

20 9. Margaret Witt (as designated in Exhibit A-33), but by way of summary:
21 her service in, suspension from, and discharge from the Air Force Reserve; publicity
22 regarding this lawsuit and/or the 'Don't Ask, Don't Tell' policy; her instances of
23 conduct (statements and acts) implicating the 'Don't Ask, Don't Tell' policy;
24 standards of conduct for Air Force officers; her employment after the Air Force
25 Reserve. (testify by deposition)

1 10. Col. (Ret.) Mary Walker (as designated in Exhibit A-34), but by way of
2 summary: her lack of knowledge of gay or lesbian service members; plaintiff's
3 inquiry into the sexual orientations of other service members; reaction to plaintiff's
4 suspension from the Air Force Reserve; the deployment conditions of the squadron.
5 (testify by deposition)

6 9/21 11. Dennis Laich *Rebo Hall* (as designated in Exhibit A-35), but by way of summary:
7 the differences between military service and civilian employment; the effects of extra-
8 marital relationships on military service, especially with respect to military officers.
9 (testify by deposition)

10 12. Nathaniel Frank (as designated in Exhibit A-36), but by way of
11 summary: his favoring of the Don't Ask, Don't Tell policy over its immediate
12 predecessor; the importance of considering the views of senior military leadership in
13 formulating military personnel policies; divisiveness associated with polling unit
14 members regarding the 'Don't Ask, Don't Tell' policy as-applied to plaintiff; the
15 unfairness associated with a regional approach to a military personnel policy; the
16 harmfulness of placing unit members in a position of having to report fellow unit
17 members' conduct; the applicability of several congressional findings (and all of the
18 findings of fact) regarding the 'Don't Ask, Don't Tell' policy to the conditions of
19 plaintiff's military service. (testify by deposition)
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