

APPEAL, CLOSED, LAW_CLERK_B

**U.S. District Court
WESTERN DISTRICT OF WASHINGTON (Tacoma)
CIVIL DOCKET FOR CASE #: 3:06-cv-05195-RBL**

Witt v. Department of the Air Force et al
Assigned to: Hon. Ronald B. Leighton
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/12/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Major Margaret Witt

represented by **Aaron H Caplan**
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V.

Defendant**Department of the Air Force**

represented by **Peter J Phipps**
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Defendant**Donald H Rumsfeld**
Secretary of Defense

represented by **Peter J Phipps**
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Defendant**Michael W Wynne**
Secretary, Department of the Air Force

represented by **Peter J Phipps**
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Defendant**Colonel Mary L Walker**
*Commander, 446th Aeromedical
Evacuation Squadron, McChord AFB*

represented by **Peter J Phipps**
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Date Filed	#	Docket Text
04/12/2006	<u>1</u>	COMPLAINT against all defendants (Summons(es) issued) (Receipt # T77) , filed by Margaret Witt. (Attachments: #(1) Appendix A - H #(2) Civil Cover Sheet)(KAM,) (Entered: 04/13/2006)
04/13/2006	<u>2</u>	NOTICE OF INITIAL ASSIGNMENT TO A US MAGISTRATE JUDGE AND CONSENT FORM. If consent, return the executed form by 5/12/2006. Please Note: Consents must <u>not</u> be electronically filed with the Court. (KAM,) (Entered: 04/13/2006)
04/13/2006	<u>3</u>	MINUTE ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge J. Kelley Arnold. (KAM,) (Entered: 04/13/2006)
04/13/2006	<u>4</u>	MINUTE ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. FRCP 26f Conference Deadline is 6/28/2006; Initial Disclosure Deadline is 7/5/2006; Joint Status Report due by 7/12/2006 by Judge J. Kelley Arnold. (KAM,) (Entered: 04/13/2006)
04/13/2006		Joint Status Report NOTED on motion calendar; Noting Date 7/12/2006. (KAM,) (Entered: 04/13/2006)
04/18/2006	<u>5</u>	MINUTE ORDER REASSIGNING CASE. This action has been reassigned to Judge Ronald B Leighton. All future documents filed in this case must bear the cause number C06-5195RBL and bear the Judge's name in the upper right hand corner of the document. Please make the necessary corrections to your records reflecting this change by Judge J. Kelley Arnold. (KAM,) (Entered: 04/18/2006)
04/18/2006	<u>6</u>	MOTION for Leave to File <i>An Overlength Brief</i> by Plaintiff Margaret Witt. Noting Date 4/18/2006. (Attachments: # <u>1</u> Proposed Order Granting Plaintiff's Motion For Leave To File An Overlength Brief)(McCraw, Nichole) (Entered: 04/18/2006)
04/20/2006	<u>7</u>	ORDER granting <u>6</u> Plaintiff's Motion for Leave to File an Overlength Brief, signed by Judge Ronald B. Leighton.(DN,) (Entered: 04/20/2006)
04/24/2006	<u>8</u>	Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> by Plaintiff Margaret Witt. Noting Date 5/12/2006.Oral Argument Requested. (Attachments: # <u>1</u> Second half of Motion# <u>2</u> Proposed Order Proposed Order)(McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>9</u>	DECLARATION of Major Margaret Witt filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In</i>

		<i>Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>10</u>	AFFIDAVIT of Major Faith M. Mueller filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>11</u>	DECLARATION of Stacey Jullian filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>12</u>	DECLARATION of James Schaffer filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>13</u>	DECLARATION of Julia Scott filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>14</u>	DECLARATION of Major Sue Schindler filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>15</u>	DECLARATION of Sharon Carlson filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>16</u>	DECLARATION of Master Sergeant Jill Brinks filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>17</u>	DECLARATION of Major Annie Thomas filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>18</u>	DECLARATION of Major Vince Oda filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>19</u>	DECLARATION of Professor Elizabeth Kier filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (McCraw, Nichole) (Entered: 04/24/2006)
04/24/2006	<u>20</u>	DECLARATION of Elizabeth Kier APPENDICES filed by Plaintiff Margaret Witt re <u>8</u> Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (Attachments: # <u>1</u> Appendix A p. 4-21# <u>2</u> Appendix A p. 22-39# <u>3</u> Appendix B p. 40-57# <u>4</u> Appendix C p. 58-92# <u>5</u> Appendix D p. 93-125# <u>6</u> Appendix D p. 126-149# <u>7</u> Appendix D p. 150-163# <u>8</u> Appendix E p. 164-171# <u>9</u> Appendix F p. 172-189# <u>10</u> Appendix F p. 190-204# <u>11</u> Appendix G p. 205-230# <u>12</u> Appendix G p. 231-256)(McCraw, Nichole) (Entered: 04/24/2006)
05/01/2006	<u>21</u>	ACKNOWLEDGEMENT OF SERVICE of summons and complaint <i>for declaratory and injunctive relief</i> by Plaintiff Margaret Witt on April 12,

		2006 (Lobsenz, James) (Entered: 05/01/2006)
05/01/2006	22	AFFIDAVIT OF SERVICE by Plaintiff Margaret Witt re 11 Declaration, 14 Declaration, 15 Declaration, 13 Declaration, 17 Declaration, 9 Declaration, 12 Declaration, 18 Declaration, 16 Declaration, 10 Affidavit, 20 Declaration,, 19 Declaration, 8 Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> . (Lobsenz, James) (Entered: 05/01/2006)
05/08/2006	23	NOTICE of Appearance by attorney Marion J. Mittet on behalf of Defendants Department of the Air Force, Donald H Rumsfeld, Michael W Wynne, Mary L Walker (Mittet, Marion) (Entered: 05/08/2006)
05/08/2006	24	RESPONSE MOTION AND RESPONSE , by Defendants Department of the Air Force, Donald H Rumsfeld, Michael W Wynne, Mary L Walker, to 8 Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> . (Phipps, Peter) Modified on 6/9/2006 (VB,) (Entered: 05/08/2006)
05/09/2006	24	NOTICE of Docket Text Modification re 24 Response to Motion, : Document filed as a response not a Motion and response (VB,) (Entered: 06/09/2006)
05/12/2006	25	REPLY, filed by Plaintiff Margaret Witt, TO RESPONSE to 8 Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> (Caplan, Aaron) (Entered: 05/12/2006)
05/15/2006	26	NOTICE of Hearing on Motion 8 Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> : Motion Hearing set for 6/9/2006 at 10:00 AM in B Courtroom before Hon. Ronald B. Leighton. s/Jean Boring as directed by Judge Leighton.(JAB,) (Entered: 05/15/2006)
05/23/2006	27	NOTICE of Rescheduled Hearing: Preliminary/Permanent Injunction Hearing is RESET for 6/30/2006 at 03:00 PM in B Courtroom before Hon. Ronald B. Leighton. (JAB,) (Entered: 05/23/2006)
06/05/2006	28	RESPONSE, by Plaintiff Margaret Witt, to 24 Defendant's Motion to Dismiss 8 Oral MOTION for Preliminary Injunction <i>And Memorandum In Support of Motion</i> . (Lobsenz, James) Modified on 6/5/2006: Corrected link and text, per filer(HBR). (Entered: 06/05/2006)
06/05/2006	28	NOTICE of Docket Text Modification re 28 Response to Motion: added link to document 24 with text, per filer; edited out link to Oral Motion. (HBR) (Entered: 06/05/2006)
06/09/2006	29	REPLY by Defendants Department of the Air Force, Donald H Rumsfeld, Michael W Wynne, Mary L Walker to 24 MOTION AND RESPONSE. (Phipps, Peter) Modified on 6/12/2006: edited title of linked document #24 to reflect edited title (HBR). (Entered: 06/09/2006)
06/26/2006	30	NOTICE of Rescheduling the TIME of the Hearing: Preliminary Injunction Hearing set for 6/30/2006 at 02:00 PM in B Courtroom before

		Hon. Ronald B. Leighton. Time moved up from 3:00 pm. s/Jean Boring as authorized by Judge Leighton.(JAB,) (Entered: 06/26/2006)
06/28/2006	<u>31</u>	MOTION to Stay <i>Discovery and for Relief from the Deadlines Imposed by the Court's Minute Order of April 13, 2006</i> by Defendants Department of the Air Force, Donald H Rumsfeld, Michael W Wynne, Mary L Walker. Noting Date 7/11/2006. (Attachments: # <u>1</u> Proposed Order)(Phipps, Peter) (Entered: 06/28/2006)
06/30/2006	<u>32</u>	MINUTE ENTRY for proceedings held before Judge Ronald B. Leighton - Dep Clerk: <i>Jean Boring</i> ; Pla Counsel: <i>James Lobsenz/ Aaron Caplan</i> ; Def Counsel: <i>Peter Phipps/Jamie Mittet/Maj.Tracey Rockenbach</i> ; CR: <i>Julaine Ryen</i> ; ORAL ARGUMENT on Preliminary Injunction and Motion to Dismiss held on 6/30/2006. Arguments presented. Court will issue a written decision. (JAB,) (Entered: 07/03/2006)
07/06/2006	<u>33</u>	RESPONSE, by Plaintiff Margaret Witt, to <u>31</u> MOTION to Stay <i>Discovery and for Relief from the Deadlines Imposed by the Court's Minute Order of April 13, 2006</i> . (Lobsenz, James) (Entered: 07/06/2006)
07/11/2006	<u>34</u>	REPLY, filed by Defendants Department of the Air Force, Donald H Rumsfeld, Michael W Wynne, Mary L Walker, TO RESPONSE to <u>31</u> MOTION to Stay <i>Discovery and for Relief from the Deadlines Imposed by the Court's Minute Order of April 13, 2006</i> (Phipps, Peter) (Entered: 07/11/2006)
07/26/2006	<u>35</u>	ORDER DENYING <u>8</u> Plaintiff's Motion for Preliminary Injunction; ORDER GRANTING <u>24</u> Defendant's Motion to Dismiss; and, ORDER finding as moot <u>31</u> Motion to Stay. Signed by Judge Ronald B. Leighton.(DN,) (Entered: 07/26/2006)
07/27/2006	<u>36</u>	JUDGMENT BY COURT (JAB,) (Entered: 07/27/2006)
07/31/2006	<u>37</u>	NOTICE OF APPEAL as to <u>36</u> Judgment by Court, <u>35</u> Order on Motion to Stay, Order on Motion for Preliminary Injunction by Plaintiff Margaret Witt. Filing Fee:. (Lobsenz, James) (Entered: 07/31/2006)
08/01/2006	<u>37</u>	Appeal Fees received: fee in the amount of \$ 455 (receipt # T-658) re <u>37</u> Notice of Appeal filed by Margaret Witt, (MW,) (Entered: 08/01/2006)