

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NICHOLAS HARRISON, ET AL.,
PLAINTIFFS,
V.
PATRICK M. SHANAHAN, ET AL.,
DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

RICHARD ROE, ET AL.,
PLAINTIFFS,
v.
PATRICK M. SHANAHAN, ET AL.,
DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

PLAINTIFF’S OBJECTIONS TO DEFENDANTS’ TRIAL EXHIBIT LIST

Pursuant to this Court’s order in *Harrison*, see ECF No. 63, Plaintiffs make the following objections to the proposed trial exhibits identified by Defendants on June 5, 2019. Plaintiffs reserve the right to amend or modify any of the objections set forth below on the basis of any stipulation entered into by the Parties; corrections, revisions, or other changes to the underlying exhibits; any order from this Court on outstanding motions; as the facts of the case are developed through trial; and any ruling from the Court impacting admissibility. Plaintiffs reserve the right to file motions *in limine* with respect to any exhibits identified by Defendants.

Plaintiffs note that many of Defendants’ proposed trial exhibits include personally-identifying information including social security numbers. Such information should be redacted before any such exhibits is offered into evidence in a public form. Moreover, two of Plaintiffs have been proceeding anonymously in the *Roe v. Shanahan* case. Plaintiffs Roe and Voe object

to offering any document into evidence which does not have appropriate redactions sufficient to preserve their anonymity.

EXHIBITS

Exhibit No.	Bates or Document No.	Description	Objection(s)
1	A00364-A00379	2014 Report to Congress	R702/703; R801, 802, 803, 805
2	A00380-A00413	2018 Report to Congress	R702/703; R801, 802, 803, 805
3		Prevention Access Campaign. Risk of Sexual Transmission of HIV from a Person Living with HIV Who Has An Undetectable Viral Load: Messaging Primer and Consensus Statement. Issued July 21, 2016.	R702/703; R801, 802, 803, 805; UT
4		Kuhar DT, Henderson DK, Struble KA, Heneine W, Thomas V, Cheever LW et al. Updated U.S. Public Health Service Guidelines for the Management of Occupational Exposures to Human Immunodeficiency Virus and Recommendations for Postexposure Prophylaxis. Infect Control Hosp Epidemiol. 2013; 34(9):875-892.	R702/703; R801, 802, 803, 805
5		Crum-Cianflone NF, Moore DJ, Letendre Set al. Low prevalence of neurocognitive impairment in early diagnosed and managed HIV-infected persons. Neurology. 2013;80:371379.	R702/703

Abbreviation	Meaning	Abbreviation	Meaning
R106	Incomplete	R901	Unauthenticated
R401	Relevance	R1002	Best Evidence
R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

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6		Sacktor N. Changing clinical phenotypes of HIV-associated neurocognitive disorders. J Neurovirol. 2018;24(2):141-145	R702/703
7		Price RW. HIV-associated neurocognitive disorders: Epidemiology, clinical manifestations, and diagnosis. UpToDate. Literature review current through May 2018. This topic last updated February 14, 2017	R702/703; R801, 802, 803, 805
8		De Souza EM, Buoniconti CS, Valim FC, Moura AS. Risk factors for neurocognitive impairment in HIV-infected patients and comparison of different screening tools. Dementia & Neuropsychologia. 2016; 10(1):42-46.	R702/703; R801, 802, 803, 805
9		Antinori A, Arendt G, Becker JT, et al. Updated research nosology for HIV-associated neurocognitive disorders. Neurology. 2007;69(18):1789-1799.	R702/703
10		Sacktor N. Changing clinical phenotypes of HIV-associated neurocognitive disorders. J Neurovirol. 2018;24(2): 141-145.	R702/703
11		Grant I, Franklin DR Jr, Deutsch R, Woods SP, et al. Asymptomatic HIV- associated neurocognitive impairment increases risk for	R702/703

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		symptomatic decline. Neurology. 2014;82:2055-2062.	
12		U.S. Army Medical Research and Materiel Command. Military Infectious Diseases Research Program (MIDRP). Background and Environment.	R602; R702/703; R801, 802, 803, 805
13		U.S. Army Institute of Surgical Research: Joint Trauma System Clinical Practice Guideline: Fresh Whole Blood (FWB) Transfusion. 2012.	R602; R702/703; R801, 802, 803, 805
14		Kao, R & McAlister, V, "Care of victims of suicide bombing," October 10, 2018	R702/703; R801, 802, 803, 805; UT
15		Carlos del Rio and James W. Curren, Epidemiology and Prevention of Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus Infection in Mandell, Douglas, and Bennett's Principles and Practice of Infectious Diseases (Bennett et al. ed. 2015).	R702/703; R801, 802, 803, 805; UT
16		DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007	R401; R602; UT
17		DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 2003	R401; R602; UT

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18		DoDD 6490.02E, "Comprehensive Health Surveillance," February 8, 2012, as amended	R401; UT
19		DoDI 1304.26, "Qualification Standards for Enlistment, Appointment, and Induction," March 23, 2015, as amended	
20		DoDI 1332.45, "Retention Determinations for Non-Deployable Service Members," July 30, 2018	
21		DoDI 1332.18, "Disability Evaluation System (DES)," August 5, 2014	
22		DoDI 6025.13, "Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS)," February 17, 2011, as amended	R401; R602; UT
23		DoDI 6025.19, "Individual Medical Readiness (IMR)," June 9, 2014	
24		DoDI 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services," April 28, 2010, as amended	
25		DoDI 6485.01, "Human Immunodeficiency Virus (HIV) in Military Service Members," June 7, 2013	

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26		DoDI 6490.03, "Deployment Health," August 11, 2006	R401; R602; UT
27		DoDI 6490.07, "Deployment-Limiting Medical Conditions for Service Members and DoD Civilian Employees," February 5, 2010	
28		DoDI 1332.18, "Disability Evaluation System," August 5, 2014, Incorporating Change 1	
29		DoDI 6025.13, "Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS)," October 29, 2013	R401; UT
30		AR 40-501, "Standards of Medical Fitness," June 14, 2017	
31		AR 40-68, "Clinical Quality Management," Rapid Action Revision Issue Date: May 22, 2009	R401; R403; R602; UT
32		AR 135-133, "Ready Reserve Screening, Qualification Records System, and Change of Address Reporting," December 22, 2016	R401; R403; R602; UT
33		AR 135-175, "Separation of Officers," November 29, 2017	R401; R403; R602; UT
34		AR 135-178, "Enlisted Administrative Separations," November 7, 2017	R401; R403; R602; UT

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35		AR 140-10, "Assignments, Attachments, Details, and Transfers," August 15, 2005	R401; R403; R602; UT
36		AR 140-50, "Officer Candidate School, Army Reserve," October 15, 1999	R401; R403
37		AR 350-51, "United States Army Officer Candidate School," June 11, 2001	R401; R403; R602; UT
38		AR 600-8-24, "Officer Transfers and Discharges," Rapid Action Revision Issue Date: September 13, 2011	R401; R403
39		AR 600-110, "Identification, Surveillance, and Administration of Personnel Infected with Human Immunodeficiency Virus," April 22, 2014	
40		AR 614-30, "Overseas Service," December 22, 2016	R401; R403
41		AR 614-100, "Officer Assignment Policies, Details, and Transfers," January 10, 2006	R401; R403; R602; UT
42		AR 614-200, "Enlisted Assignments and Utilization Management," November 29, 2017	R401; R403
43		AR 635-40, "Disability Evaluation for Retention, Retirement, or Separation," January 19, 2017	R401; R403; R602; UT

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44		AR 635-200, "Active Duty Enlisted Administrative Separations," December 19, 2016	R401; R403; R602; UT
45		NGR 351-5, "State Military Academies," Incl Change 1, December 16, 1985	R401; R403; R602; UT
46		NGR 600-200, "Enlisted Personnel Management," July 31, 2009	R401; R403; R602; UT
47		NGR 635-101, "Efficiency and Physical Fitness Boards," August 15, 1977	R401; R403; R602; UT
48		AFI 44-178, "Human Immunodeficiency Virus Program," March 4, 2014; Certified Current June 28, 2016	
49		AFI 48-123, "Medical Examinations Standards," November 5, 2013	
50		AFI 48-123, "Medical Examinations Standards," October 23, 2014	
51	US00001064-US00001069	Request for ETP dated Nov. 8, 2015	
52	US00001057-US00001058	Army Staffing Form for Request for ETP	R106
53	US00001050-US00001052	DCARNG Officer Strength Manager Email dated Feb. 9, 2016	R401; R403; R602; R801, 802, 803, 805; R901
54	US00001137	OTSG Medical Opinion dated Jan. 12, 2016	
55	US00003158	NGB Recommendation dated Feb. 29, 2016	R401; R403; R404; R602; R702/703

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56	US00003142	DCARNG Med. Attach. Recommendation dated June 9, 2017	
57	US00003219	NGBCS Memo re Waiver Request dated Dec. 30, 2014	CONF
58	US00001063	DMPM Memo denying Request	
59	US00001145- 1147	Letter to SA dated Aug. 25, 2016	
60	US00001080	Letter dated Sept. 28, 2016	
61	US00001123- 1124	Army Staffing Form for Letter to SA	R106
62	US00001129	Delegation of Authority dated Jun. 27, 2016	
63	US00001132- 1133	Information Paper dated July 11, 2016	R401; R403; R404; R602; R702/703
64	US00000931- 943	JAG Application	
65	US00000944- 945	Undergraduate Transcript	
66	US00000946- 947	MBA Transcript	
67	US00000948	Law School Transcript	R401; R403; R404; R801, 803, 805
68	US00000949- 950	Harrison CV	
69	US00000951	DC Court of Appeals Admission	
70	US00000952- 970	NCO Evaluation Report	CONF
71	US00000971- 974	Release from Active Duty	CONF
72	US00000975- 976	Letter of Recommendation	
73	US00000977- 978	Letter of Recommendation	CONF
74	US00000979- 980	Letter of Recommendation	
75	US00000981- 989	Writing Sample from JAG Application	

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76	US00002101-02	Information Paper dated September 2015	R801, 802, 803, 805
77		AMHHR File - State of Legal Residence (2010-06-06)	R401; R403; CONF; UT
78	US00000258	AMHHR File - State Award Order (2012-11-01)	CONF
79	US00000304- US00000305	AMHHR File - NCO Evaluation Report (2013-07-27)	CONF
80	US00000032- US00000066	AMHHR File - Enlistment Contract Armed Forces of the US (2000-08-17)	CONF
81	US00000120	AMHHR File - Birth Certificate-Adoption Record-Proof of Birth (Soldier) (1977-03-17)	R401; R403; CONF
82	US00000156	AMHHR File - Promotion or Reduction Orders (2008-03-05)	CONF
83	US00000216- US00000218	AMHHR File - Army National Guard Annual Statement (2010-09-01)	R401; R403; CONF
84	US00000259	AMHHR File - State Award order (2012- 11-01)	CONF
85	US00000306- US00000307	AMHHR File - NCO Evaluation Report (2012-11-30)	CONF

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Exhibit No.	Bates or Document No.	Description	Objection(s)
86	US00000067	AMHHR File - Veteran's Education Assistance Act of 1984 (GI Bill) (2000-09-19)	R401; R403; CONF
87	US00000121	AMHHR File - Record of Awards	CONF
88	US00000157- US00000166	AMHHR File - Denial of Review of Army Board of Correction of Military Record (2008-02-01)	R401; R403; R404; R602; R801, 802, 803, 805; R901; CONF
89	US00000219	AMHHR File - Servicemen's Group Life Ins. (SGLI) Election (2010-08-20)	R401; R403; CONF
90	US00000260- US00000265	AMHHR File - Army National Guard Bonus Addendum (2009-04-01)	R401; R403; CONF
91	US00000308- US00000311	AMHHR File - Finance Records Review (2014-12-10)	R401; R403; R901; R1006; CONF
92	US00000068	AMHHR File - Orders Announcing the Award of Badges, Bars, Tabs, Etc. (2001- 04-01)	CONF
93	US00000122	AMHHR File - Record of Awards	CONF
94	US00000167- US00000168	AMHHR File - Assignment or Transfer Order - Army National Guard (2008-04-25)	CONF
95	US00000220- US00000221	AMHHR File - Record of Emergency Data (2010-08-20)	R401; R403; CONF
96	US00000266	AMHHR File - Assignment or Transfer Order - Army National Guard (2013-01-09)	CONF

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97	US00000312- US00000317	AMHHR File - Personnel Records Review (2014-12-10)	R401; R901; R1006; CONF
98	US00000069- US00000081	AMHHR File - Certificate or Release or Discharge From Active Duty (2003-07-18)	CONF
99	US00000123	AMHHR File - Record of Awards	CONF
100	US00000169- US00000172	AMHHR File - Army National Guard Retirement Points Statement Supplemental Detailed Report (2009-08-16)	R401; R403; CONF
101	US00000222- US00000224	AMHHR File - Mobilization Order Amendment (2010-12-15)	CONF
102	US00000267	AMHHR File - Assignment or Transfer Order - Army National Guard (2013-01-09)	CONF
103	US00000318- US00000319	AMHHR File - NCO Evaluation Report (2014-07-27)	CONF
104	US00000124	AMHHR File - Record of Awards	CONF
105	US00000173- US00000179	AMHHR File - Army National Guard Annual Statement (2008-08-16)	R401; R403; CONF
106	US00000225	AMHHR File - Servicemen's Group Life Insurance (SGLI) Election (2011-01-28)	R401; R403; CONF
107	US00000268	AMHHR File - Record of Awards	CONF
108	US00000320	AMHHR File - Assignment or Transfer Order - Army National Guard (2014-03-20)	CONF

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109	US00000125- US00000126	AMHHR File - Record of Disenrollment From Officer Candidate - Type Training (2005-12-15)	R401; R403; R404; R602; R801, 802, 805; R901; CONF
110	US00000180	AMHHR File - Assignment or Transfer Order - Army National Guard (2008-09-17)	CONF
111	US00000226- US00000227	AMHHR File - Record of Emergency Data (2011-01-28)	R401; R403; CONF
112	US00000269	AMHHR File - Record of Awards	CONF
113	US00000321- US00000322	AMHHR File - Transcript of Credit For College-University-Trade-Business Schools (2013-05-06)	R401; R403; R404; R801, 803, 805
114	US00000082	AMHHR File - Promotion or Reduction Orders - Amendments (2004-08-13)	CONF
115	US00000127	AMHHR File - Promotion or Reduction Orders (2005-12-15)	CONF
116	US00000181	AMHHR File - Recommendation for Award (2008-07-11)	CONF
117	US00000228	AMHHR File - Mobilization Order Amendment (2010-12-15)	CONF
118	US00000270	AMHHR File - State Award Order (2012-11-02)	CONF
119	US00000323	AMHHR File - Army Physical Fitness Records 2014-12-06)	

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120	US00000083	AMHHR File - Promotion or Reduction Orders - Amendments (2004-08-13)	CONF
121	US00000128- US00000129	AMHHR File - Transcript of Credit for College-University-Trade-Business Schools (2006-05-25)	R401; R403; R404; R801, 803, 805
122	US00000182	AMHHR File - Orders Announcing the Award of Badges, Bars, Tabs, Etc. (2008- 07-12)	CONF
123	US00000229- US00000231	AMHHR File - Mobilization Order Amendment (2011-05-19)	CONF
124	US00000271	AMHHR File - Course Completion Certificate Less Than 40 Hours (2013-03-03)	
125	US00000324	AMHHR File - Oath of Extension of Enlistment or Reenlistment (2015-04-25)	
126	US00000084- US00000087	AMHHR File - SMP-ARNG (2004-08-12)	CONF
127	US00000130- US00000131	AMHHR File - Recommendation for Award (2003-08-15)	CONF
128	US00000183- US00000184	AMHHR File - Recommendation for Award (2008-07-11)	CONF
129	US00000232- US00000233	AMHHR File - Record of Emergency Data (2011-06-01)	R401; R403; CONF

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130	US00000272- US00000273	AMHHR File - Servicemen's Group Life Insurance (SGLI) Election (2013-04-06)	R401; R403; CONF
131	US00000325	AMHHR File - Proof of Weapons Qualification (2015-10-18)	R401; R403
132	US00000088- US00000092	AMHHR File - Army Senior Reserve Officers' Training Corps ROTC Student Contract (2003-08-18)	R401; R403; CONF
133	US00000132	AMHHR File - Docs-Cert That Awd Badges (2003-07-18)	CONF
134	US00000185- US00000186	AMHHR File - NCO Evaluation Report (2008-09-11)	CONF
135	US00000234- US00000235	AMHHR File - Servicemen's Group Life Insurance (SGLI) Election (2011-06-01)	R401; R403; CONF
136	US00000274- US00000275	AMHHR File - Record of Emergency Data (2013-04-06)	R401, R403; CONF
137	US00000326- US00000331	AMHHR File - Finance Records Review (2016-03-20)	R401; R403; R901; R1006; CONF
138	US00000093	AMHHR File - Enlistment Contract Armed Forces of the US (2003-07-23)	CONF
139	US00000133	AMHHR File - Docs-Cert That Award Badges, Awards, Svc Mdl, Tabs or Non-Army Awds No Orders Published (2002- 02-12)	CONF

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140	US00000187- US00000191	AMHHR File - Oath of Extension of Enlistment or Reenlistment (2009-04-01)	R401; R403; CONF
141	US00000236- US00000238	AMHHR File - Promotion or Reduction Orders (2011-08-17)	CONF
142	US00000276- US00000279	AMHHR File - Divorce or Annulment Decree (2010-09-16)	R106; R401; R403; R404
143	US00000332- US00000337	AMHHR File - Personnel Records Review (2016-03-20)	R401; R901; R1006; CONF
144	US00000094	AMHHR File - Personnel Action - Application-Request (2004-01-29)	CONF
145	US00000134- US00000135	AMHHR File - Recommendation for Award (2002-05-28)	CONF
146	US00000192	AMHHR File - Oath of Extension of Enlistment or Reenlistment (2009-04-01)	CONF
147	US00000239	AMHHR File - Promotion or Reduction Orders (2011-08-22)	CONF
148	US00000280	AMHHR File - Auth to Start, Stop, Change BAQ and or VHA (2013-04-06)	R401; R403; CONF
149	US00000338	AMHHR File - Oath of Extension of Enlistment or Reenlistment (2016-04-17)	CONF
150	US00000095	AMHHR File - Transfer Among Army Reserve Components, Control Groups or Units (USAR, ARNG) (2003-07-23)	CONF

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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
151	US00000136	AMHHR File - Mobilization Order Amendment (2006-03-10)	CONF
152	US00000193	AMHHR File - Assignment or Transfer Order - Army National Guard (2009-04-14)	CONF
153	US00000240- US00000242	AMHHR File - Army National Guard Annual Statement (2011-09-07)	R401; R403; CONF
154	US00000281	AMHHR File - State Award Order (2013-05-20)	CONF
155	US00000339- US00000340	AMHHR File - Record of Awards	CONF
156	US00000096- US00000098	AMHHR File - Statement of Understanding, The Selected Reserve Montgomery GI Bill (10 USC Chapter 1606)(2005-06-09)	R401; R403; CONF
157	US00000137- US00000138	AMHHR File - Amend Active Duty Orders for AT, ADT, IADT, AGR or ADSW (2007-08-15)	CONF
158	US00000194- US00000195	AMHHR File - Army National Guard Retirement Points Statement Supplemental Detailed Report (2009-09-01)(Duplicate)	R401; R403; CONF
159	US00000243- US00000244	AMHHR File - NCO Evaluation Report (2010-11-30)	CONF
160	US00000282- US00000283	AMHHR File - Miscellaneous Mobilization Documents-Not Restricted (2013-07-16)	R401; R403; CONF

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R106	Incomplete	R901	Unauthenticated
R401	Relevance	R1002	Best Evidence
R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
R608(b)	Instances of Conduct	UT	Untimely/FRCP 37
R602	Need for Personal Knowledge	R404	Character Evidence
R702/703	Improper expert opinion	CONF	Need redaction
R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
161	US00000341	AMHHR File - Certificate of Marriage (2016-06-16)	R401; R403; R404; CONF
162	US00000099	AMHHR File - Personnel Action - Application Request (2005-06-09)	CONF
163	US00000139- US00000144	AMHHR File - Non-Resident Subcourse Completion Notification (2007-03-22)	CONF
164	US00000196- US00000200	AMHHR File - Army National Guard Annual Statement (2009-09-01)	R401; R403; CONF
165	US00000245- US00000246	AMHHR File - NCO Evaluation Report (2011-11-30)	CONF
166	US00000284- US00000285	AMHHR File - Record of Emergency Data (2013-07-22)	R401; R403; CONF
167	US00000342	AMHHR File - Assignment or Transfer Order - Army National Guard (2016-06-21)	
168	US00000100- US00000102	AMHHR File - Record of Military Processing - Armed Forces of the United States (2003-07-23)	CONF
169	US00000145	AMHHR File - Certificate of Release or Discharge from Active Duty (2007-06-28)	CONF
170	US00000201	AMHHR File - Personnel Qualification Record (2010-03-06)	CONF
171	US00000247	AMHHR File - Mobilization Order Amendment (2011-05-19)	CONF

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R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
R608(b)	Instances of Conduct	UT	Untimely/FRCP 37
R602	Need for Personal Knowledge	R404	Character Evidence
R702/703	Improper expert opinion	CONF	Need redaction
R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
172	US00000286- US00000287	AMHHR File - Servicemember's Group Life Insurance (SGLI) Election (2013-07- 22)	R401; R403; CONF
173	US00000343	AMHHR File - Oath of Extension of Enlistment or Reenlistment (2017-02-08)	CONF
174	US00000103- US00000104	AMHHR File - Enlistment Contract Armed Forces of the US (2003-07-23)	CONF
175	US00000146	AMHHR File - Certificate of Release or Discharge from Active Duty (2007-07-16)	CONF
176	US00000203- US00000205	AMHHR File - Retirement Credits Record (2010-03-09)	R401; R403; CONF
177	US00000248- US00000249	AMHHR File - Certificate of Release or Discharge from Active Duty (2012-05-13)	CONF
178		AMHHR File - Miscellaneous Mobilization Documents - Not Restricted (2013-07-22)	R401; R403; CONF
179	US00000344	AMHHR File - Docs-Cert That AWD Badges, Awards, Svc Mdl, Tabs, or Non-Army Awds No Orders Published (2015- 07-04)	
180	US00000106- US00000108	AMHHR File - Statement of Understanding - ARNG Montgomery GI Bill Kicker Program (2003-07-23)	R401; R403; CONF
181	US00000147	AMHHR File - Amend Active Duty Orders for AT, ADT, IADT, AGR, or ADSW (2006-03-03)	CONF

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R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
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R602	Need for Personal Knowledge	R404	Character Evidence
R702/703	Improper expert opinion	CONF	Need redaction
R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
182	US00000206- US00000207	AMHHR File - NCO Evaluation Report (2009-09-30)	CONF
183	US00000250	AMHHR File - Assignment or Transfer Order - Army National Guard (2012-05-14)	CONF
184	US00000289- US00000292	AMHHR File - Army National Guard Retirement Points History Statement (2013-07-22)	R401; R403; CONF
185	US00000345- US00000346	AMHHR File - Enlisted Evaluation Report (SGT) (2016-06-28)	
186	US00000109- US00000112	AMHHR File - Enlistment -Reenlistment Agreement Army National Guard (2003-07-23)	CONF
187	US00000148	AMHHR File - Amendment of Attachment Order From Attachment Order (2006-03- 03)	CONF
188	US00000208- US00000209	AMHHR File - Personnel Qualification Record (2010-04-07)	CONF
189	US00000251	AMHHR File - Certificate of Release or Discharge from Active Duty (2012-05-13)	CONF
190	US00000293	AMHHR File - Certificate of Achievement-Appreciation-Commendation (2013-06-18)	
191	US00000347- US00000348	AMHHR File - Evaluation Report (2015- 07- 27)	CONF

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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
192	US00000113	AMHHR File - Police Record Check - 369DD (Part of 4DD) (2003-07-23)	CONF
193	US00000149	AMHHR File - Assignment or Transfer Order - Army National Guard (2007-06-29)	CONF
194	US00000210	AMHHR File - Assignment or Transfer Order - Army National Guard (2010-04-21)	CONF
195	US00000252	AMHHR File - Temporary Change of Station Contingency-Mobilization Orders (2011-06-29)	CONF
196	US00000294	AMHHR File - Assignment or Transfer Order - Army National Guard (2013-10-15)	CONF
197	US00000349- US00000350	AMHHR File - Record of Emergency Data (2016-05-10)	R401; R403; CONF
198	US000001 14	AMHHR File - Police Record Check - 369DD (Part of 4DD) (2003-07-23)	CONF
199	US00000150- US00000151	AMHHR File - Orders Announcing the Award of Badges, Bars, Tabs, Etc. (2007- 04-30)	CONF
200	US00000211	AMHHR File - Service School Academic Evaluation Report (2010-05-29)	CONF
201	US00000253- US00000254	AMHHR File - Temporary Change of Station Contingency-Mobilization Orders (2011-06-29)	CONF

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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
202	US00000295- US00000296	AMHHR File - Recommendation for Award (2013-05-21)	CONF
203	US00000351- US00000352	AMHHR File - Servicemen's Group Life Insurance (SGLI) Election (2016-05-10)	R401; R403; CONF
204	US00000115	AMHHR File - DMDC-RDMS Data and Line Scores (2000-09-12)	CONF
205	US00000152	AMHHR File - Memorandum of Award (2007-05-01)	CONF
206	US00000212	AMHHR File - Miscellaneous Mobilization Documents - Not Restricted (2010-06-06)	R401; R403; CONF
207	US00000255	AMHHR File - Amendment - Temporary Change of Station Contingency- Mobilization Orders (2011-10-22)	CONF
208	US00000297	AMHHR File - State Award Certificate (2013-05-21)	
209	US00000353- US00000354	AMHHR File - Enlisted Evaluation Report (SGT) (2017-10-14)	CONF
210	US00000116- US00000117	AMHHR File - Transcript of Credit for College-University-Trade-Business Schools (2000-08-21)	R401; R403; R404; R801, 803, 805
211	US00000153	AMHHR File - Orders Announcing the Award of Badges, Bars, Tabs, Etcetera (2007-04-30)	CONF

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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
212	US00000213	AMHHR File - Employment Income Tax Withholding W4 (2010-06-06)	R401; R403; CONF
213	US00000256	AMHHR File - Promotion or Reduction Orders (2012-08-14)	CONF
214	US00000298	AMHHR File - Transfer Among Army Reserve Components, Control Groups or Units (USAR, ARNG) (2014-03-20)	CONF
215	US00000118	AMHHR File - Copy of Driver's License (1977-03-17)	R401; R403; CONF
216	US00000154	AMHHR File - Assignment or Transfer Order - Army National Guard (2008-03-04)	CONF
217	US00000214	AMHHR File - Direct Deposit (2010-06- 10)	R401; R403; CONF
218	US00000257	AMHHR File - Assignment or Transfer Order - Army National Guard (2012-08-21)	CONF
219	US00000299- US00000303	AMHHR File - Army National Guard Annual Statement (2014-06-06)	R401; R403; CONF
220	US00000030- US00000031	AMHHR File - Transcript of Credit for College-University-Trade-Business Schools (2000-08-21)	R401; R403; R404; R801, 803, 805
221	US00000119	AMHHR File - Verification or Correction (2000-08-09)	R401; R403; CONF

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Exhibit No.	Bates or Document No.	Description	Objection(s)
222	US00000155	AMHHR File - HQDA Memorandum for Record (2008-02-26)	CONF
223		Army Directive 2018-22	
224		Memo from ASA dated Nov. 9, 2018	
225	A-00101-A- 00141	Air Force Instruction 10-203, "Duty Limiting Conditions," November 20, 2014	
226	A-00142-A- 00158	Air Force Instruction 36-2603, "Air Force Board for Correction of Military Records (AFBCMR)," September 18, 2017	
227	A-00159-A- 00293	Air Force Instruction 36-2606, "Reenlistment and Extension of Enlistment in the United States Air Force," July 27, 2017	
228	A-00338	AFM&R Memo re "Appropriate Evaluation of Fitness for Continued Service for Airmen with Asymptomatic Human Immunodeficiency Virus (HIV)," June 6, 2018	
229	A-00339-A- 00340	AFM&R Memo re "Airmen with Asymptomatic Human Immunodeficiency Virus (HIV) Disposition," September 26, 2018	
230	A-00341	USAF/A1P Memo re "Retention of Airmen with Asymptomatic HIV," October 11, 2017	

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R602	Need for Personal Knowledge	R404	Character Evidence
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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
231	A-00342–A- 00363	CENTCOM MOD 13 to CENTCOM Individual Protection and Individual-Unit Deployment Policy, March 2017	
232	A-00429–A- 00433	Scott P, Hakre S, et al., Short Communication Investigation of Incident HIV Infections Among U.S. Army Soldiers Deployed to Afghanistan and Iraq, 2001-2007. AIDS Research and Human Retroviruses. 2012;28(10):1308-1312.	
233	A-00434–A- 00439	Blaylock J, Hakre S, et al., HIV Preexposure Prophylaxis in the U.S. Military Services - 2014-2016. CDC Morbidity and Mortality Weekly Report. 2018;67(2):569-574.	R801, 802, 803, 805; R702/703
234	A-00440–A- 00449	Chun T, Justement J, et al., Rebound of plasma viremia following cessation of antiretroviral therapy despite profoundly low levels of HIV reservoir: implications for eradication. AIDS. 2010;24(18):2803- 2808.	R801, 802, 803, 805; R702/703
235	A-00450–A- 00456	Hakre S, Manak M, et al., Transfusion-transmitted human T-lymphotropic virus Type I infection in a United States military emergency whole blood transfusion recipient in Afghanistan, 2010. Transfusion. 2013;53:2176-2182.	R801, 802, 803, 805; R702/703

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R602	Need for Personal Knowledge	R404	Character Evidence
R702/703	Improper expert opinion	CONF	Need redaction
R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
236	A-00460-A- 00462	SAF/MRBP Memo re Discharge Recommendation--Roe	CONF
237	A-00463	AFPC/DPFDD Memo re Review of PEB Proceedings--Roe	R106; CONF
238	A-00464-A- 00470	Office of Airmen's Counsel Memo re Roe FPEB Appeal, with attachments	CONF
239	A-00471-A- 00472	Roe Memo re FPEB Appeal	CONF
240	A-00473-A- 00474	Letter of Reference, Roe	CONF
241	A-00475-A- 00476	Letter of Reference, Roe	CONF
242	A-00477-A- 00478	Letter of Reference, Roe	CONF
243	A-00479	Letter from Doctor, Roe	CONF
244	A-00480-A- 00481	FPEB Findings and Recommended Disposition, Roe	CONF
245	A-00482-A- 00548	FPEB Contention Slip, with Exhibits	CONF
246	A-00549-A- 00550	IPEB Findings and Recommended Disposition, Roe	CONF
247	A-00551-A- 00552	Personal Data, Roe	CONF
248	A-00553	Checklist for MEB, Roe	CONF
249	A-00554-A- 00555	Medical Board Report, Roe	CONF
250	A-00556-A- 00557	Commander's Impact Statement for MEB, Roe	CONF
251	A-00558	Impartial Review Election, Roe	CONF
252	A-00559-A- 00561	Letter of Exception, Roe	R403; CONF
253	A-00562-A- 00566	Character Statements, Roe	CONF

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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
254	A-00567	DES Counseling Acknowledgment Sheet, Roe	CONF
255	A-00568	Duty Limiting Condition Report, Roe	CONF
256	A-00569-A- 00575	Narrative Summary, Roe	R403, R404; CONF
257	A-00576-A- 00625	Veterans Affairs Compensation and Pension Physical, Roe	R401, CONF
258	A-00626-A- 00633	Medical Records, Roe	R403; R404; CONF
259	A-00634-A- 00658	Entrance Medical Exam, Roe	CONF
260	A-00659-A- 00663	Veterans Affairs DES Proposed Rating, Roe	CONF
261	A-00664-A- 00665	Veterans Affairs DES Proposed Rating Coding Sheet, Roe	CONF
262	A-00666-A- 00667	Request and Authorization for Separation, Roe	CONF
263	A-00668-A- 00739	Active Duty Deployment TDY Rate for FY 2018	R602; R801, 803, 805; R901; R1006
264	A-00740-A- 00744	Active Duty Deployment Statistics for FY 2015-2017	R602, R801, 803, 805; R901; R1006
265	A-00747-A- 00749	SAF/MRBP Memo re Discharge Recommendation, Voe	CONF
266	A-00750-A- 00751	Voe Memo re FPEB Appeal	CONF
267	A-00753	FPEB Contention Slip, Voe	CONF
268	A-00754	AFPC/DPFDD Memo re Review of PEB Proceedings, Voe	R106; CONF

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R401	Relevance	R1002	Best Evidence
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R602	Need for Personal Knowledge	R404	Character Evidence
R702/703	Improper expert opinion	CONF	Need redaction
R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
269	A-00755-A- 00756	FPEB Findings and Recommended Disposition, Voe	CONF
270	A-00757-A- 00758	IPEB Findings and Recommended Disposition, Voe	CONF
271	A-00759	Personal Data, Voe	CONF
272	A-00760	Checklist for MEB, Voe	CONF
273	A-00761-A- 00762	Medical Board Report, Voe	CONF
274	A-00763-A- 00764	Commander's Impact Statement for MEB, Voe	CONF
275	A-00765	Impartial Review Election, Voe	CONF
276	A-00766	DES Counseling Acknowledgment Sheet, Voe	CONF
277	A-00767	Voe MEMO re Request for Retention Beyond ETS	CONF
278	A-00768	Duty Limiting Condition Report, Voe	CONF
279	A-00769-A- 00789	iRILO-MEB Narrative Summary	R403; R404; CONF
280	A-00790-A- 00908	Veterans Affairs Compensation and Pension Physical, Voe	R401; R403; R404; CONF
281	A-00909-A- 00920	Entrance Medical Exam, Voe	CONF
282	A-00921-A-- 00930	Veterans Affairs DES Proposed Rating, Voe	CONF
283	A-00931-A- 00933	Veterans Affairs DES Coding Sheet, Voe	R403; R404; CONF
284	A-00934	Action on PEB Findings and Recommended Disposition, Voe	R106, R401, R403; CONF
285	A-00935-A- 00941	Veterans Affairs Benefits Letter, Voe	R401; R403; R404; CONF

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Exhibit No.	Bates or Document No.	Description	Objection(s)
286	A-00942-A- 00943	Request and Authorization for Separation, Voe	CONF
287	A-00944-A- 01015	Active Duty Deployment TDY Rate for Fiscal Year 2018	R602; R801, 803, 805; R901; R1006; R403
288	A-01016-A- 01020	Active Duty Deployment Statistics for FY 2015-2017	R403 R602; R801, 803, 805; R901; R1006
289	A-01021-A- 01022	Certification of Administrative Record, Roe	R801, 802, 803, 805; R901; CONF
290	A-01023-A- 01024	Certification of Administrative Record, Voe	R801, 802, 803, 805; R901; CONF
291	A-01025-A- 01068	Joint Theater Trauma System Clinical Practice Guideline, Fresh Whole Blood (FWB) Transfusion	
292	A-01069	Supplemental Administrative Record Certification	R801, 802, 803, 805; R901
293	A-01070	Voting Sheet	CONF
294	A-01071	Supplemental Administrative Record Certification	R801, 802, 803, 805; R901
295	A-01072-A- 01074	Voting Sheets	CONF
296		Air Force Policy Directive 44-1, "Medical Operations," June 9, 2016	R401
297		Aberg J, Gallant J, et al., "Primary Care Guidelines for the Management of Persons Infected with HIV: 2013 Update by the HIV Medicine Association of the Infectious	R702/703; R602; R801, 802, 803, 805

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Exhibit No.	Bates or Document No.	Description	Objection(s)
		Diseases Society of America." Clinical Infectious Dis. 2014;58(1):e1-34.	
298		Air Force Instruction 36-3212, "Physical Evaluation for Retention, Retirement, and Separation," February 2, 2012 (incorporating through Change 2, November 27, 2009).	
299		Air Force Guidance Memorandum to AFI 41-210 and AFI 41-210, "TRICARE Operations and Patient Administration Functions," September 27, 2018	R401; R602; R801, 802, 803, 805; R901; UT
300		HHS, Guidelines for the Use of Antiretroviral Agents in Adults and Adolescents Living with HIV.	
301		CDC, Integrated Prevention Services for HIV Infection, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis for Persons Who Use Drugs Illicitly: Summary Guidance from CDC and HHS	R401; R403; R702/703; R801, 802, 803, 805; UT
302		CDC, Evidence of HIV Treatment and Viral Suppression in Preventing the Sexual Transmission of HIV	
303		Marks G, Patel U, et al., "Single Viral Load Measurements Overestimate Stable Viral Suppression Among HIV Patients in Care:	R602; R702/703; R801, 802, 803, 805; R901; UT

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Exhibit No.	Bates or Document No.	Description	Objection(s)
		Clinical and Public Health Implications." 73 J. of Acquired Immune Deficiency Syndromes 205 (Oct. 2016)	
304	US00031224- US00031233	CENTCOM, MOD 13 Tab A, Amplification of the Minimal Standards of Fitness for Deployment to the CENTCOM AOR	R106, R602; R901
305		CENTCOM, Mod 13 Tab B, Amplification of Requirements for Permanent Change of Station Personnel in the CENTCOM AOR	R106; R602; R901; UT
306		CENTCOM, MOD 13 Tab C, CENTCOM Medical Waiver Request	R106, R602; R901; UT
307	USX00000001- 7	Routine Screening for Antibodies to Human Immunodeficiency Virus, Civilian Applicants for U.S. Military Service And U.S. Armed Forces, Active and Reserve Components, January 2013-June 2018, MSMR 25(9):2-8 (Sept. 2018)	R702/703; R801, 802, 803, 805; R901
308	USX00000008- 11	Siedner & Triant, "Undetectable = Untransmittable and Your Health," J. Inf. Dis. 2019:219 (2018)	R702/703; R801, 802, 803, 805; R901
309	USX00000012- 43	Active Duty ART Outcomes v2.0, updated March 31, 2019	R702/703; R801, 802, 803, 805; R901

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R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
R608(b)	Instances of Conduct	UT	Untimely/FRCP 37
R602	Need for Personal Knowledge	R404	Character Evidence
R702/703	Improper expert opinion	CONF	Need redaction
R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
310	USX00000044- 91	Kuhar et al., "US PHS Guidelines for the Management of Occupational Exposures to HIV"	
311	USX00000092- 93	CDC, "Interim Statement Regarding Potential Fetal Harm from Exposure to Dolutegravir — Implications for HIV Post-exposure Prophylaxis (PEP)"	R401; R602; R702/703; R801, 802, 803, 805; R901
312	USX00000094- 184	CDC, "Updated Guidelines for Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV United States, 2016"	
313	USX00000185- 194	Brett-Major et al., "Costs and Consequences: Hepatitis C Seroprevalence in the Military and Its Impact on Potential Screening Strategies," Hepatology 63(2):398-407 (2016)	R401; R702/703; R801, 802, 803, 805
314	USX00000195- 212	Patel et al., "Estimating per-act HIV Transmission risk: a systematic review," AIDS. 2014 June 19; 28(10): 1509-1519.	R801, 802, 803, 805
315	USX00000218- 244	CDC, "Recommendations for Postexposure Interventions to Prevent Infection with Hepatitis B Virus, Hepatitis C Virus, or	

Abbreviation	Meaning	Abbreviation	Meaning
R106	Incomplete	R901	Unauthenticated
R401	Relevance	R1002	Best Evidence
R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
R608(b)	Instances of Conduct	UT	Untimely/FRCP 37
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Exhibit No.	Bates or Document No.	Description	Objection(s)
		Human Immunodeficiency Virus, and Tetanus in Persons Wounded During Bombings and Other Mass-Casualty Events --- United States, 2008" MMWR, 57(RR06):1-19 (Aug. 1, 2018)	
316	USX00000245- 251	Chandler et al., "The US Military Experience With Fresh Whole Blood During the Conflicts in Iraq and Afghanistan," Seminars in Cardiothoracic and Vascular Anesthesia 16(3) 153-159 (2012)	R702/703; R801, 802, 803, 805; R901
317	USX00000252- 263	Abbott RealTime HIV-1 Instructions	R801, 802, 803, 805; R901
318	USX00000264- 305	COBAS AmpliPrep/COBAS TaqMan HIV-1 Test, version 2.0 Instructions	R801, 802, 803, 805; R901
319	USX00000306- 343	WRAIR, Specimen Submission Guidelines (June 2017)	
320		AMPLICOR HIV-1 Monitor Test Instructions	R401, R602, R801, 802, 803, 805; R901
321	Hendrix Ex. 14	Notice of Discontinuation of AMPLICOR HIV-1 Monitor Test	R602, R801, 802, 803, 805; R901
322	USX00000699- 740	FORSCOM Presentation dated May 1, 2019	

Abbreviation	Meaning	Abbreviation	Meaning
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R403	Prejudice, Waste of Time, Cumulative, Confusing Issues	R1006	Summary w/o Original Being Made Available
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R801, 802, 803, 805	Hearsay / Hearsay Within Hearsay		

Exhibit No.	Bates or Document No.	Description	Objection(s)
323	USX00000488- 494	Okulicz et al., "Review of the U.S. Military's Human Immunodeficiency Virus Program," MSMR 24(9):2-7)Sept. 2017)	R702/703; R801, 802, 803, 805
324	USX00000495- 500	Pacha et al., "Centralized HIV Program Oversight: An Investigation of a Case Series of New HIV Infections among US Army Soldiers, 2012 to 2013," Medicine 94(46):1-6 (2015)	R702/703; R801, 802, 803, 805
325		CRS, "Acquired Immune Deficiency Syndrome and Military Manpower Policy," February 12, 1988	R602; R702/703; R801, 802, 803, 805; UT
326		CRS, "HIV-1/AIDS and Military Manpower Policy," November 28, 2000	R602; R702/703; R801, 802, 803, 805; R901; R1002; UT
327		Thomas A, Grillo M, et al., "Military HIV Policy Assessment in Sub-Saharan Africa." Military Medicine 2014;179(7):773-777	R801, 802, 803, 805; UT
328	US00003144- 3148	Letter to Secretary of Defense dated April 22, 2017	
329	US00003149- 3150	Letter to Army G-1 dated April 22, 2017	
330	Harrison 26-3	Letter to J. Wright dated Feb. 23, 2015	
331	Taylor Ex. 5	OraQuick Advance Rapid HIV-1/2 Antibody Test Instructions	R801, 802, 803, 805; R901
332		AFGM 2019-36-01 dated Feb. 19, 2019	

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Exhibit No.	Bates or Document No.	Description	Objection(s)
333		ASBP Medical Conditions List, dated Feb. 2019	
334	NH-000020	Letter from S. Barna, dated July 26, 2016	
335	Hendrix Ex. 9	Eisinger, et. al, "HIV Viral Load and Transmissibility of HIV Infection: Undetectable Equals Untransmittable," February 15, 2019	R702/703; R801, 802, 803, 805; R901
336	Hendrix Ex. 8	Alcorn, Keith, "Two cases of HIV transmission through breastfeeding in mothers with undetectable viral load reported," November 20, 2018	R401; R403; R602; R801, 802, 803, 805; R901
337		Chun T, Moir S, et al, "HIV reservoirs as obstacles and opportunities for an HIV cure," June 2015	R702/703; R801, 802, 803, 805; R901; UT
338		SMART Study Group, "CD4+ Count-Guided Interruption of Antiretroviral Treatment," November 30, 2006 NEJM	R401; R702/703; R801, 802, 803, 805; R901; UT
339		CDC, "HIV Basics: HIV Transmission"	
340	US00001934	Interim letter from ARD dated May 1, 2017	R401; R801, 802, 803, 805
341	US00001055	Enlisted Record Brief	
342	US00002057	Army Staffing Form for Request for Waiver	R401; R801, 802, 803, 805
343	US00002975	Letter from S. Saunders dated May 4, 2017	R401; R801, 802, 803, 805

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Dated: June 17, 2019

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CERTIFICATE OF SERVICE

I certify that, on the 17th day of June, 2019, I caused this document to be filed electronically through the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: June 17, 2019

Respectfully submitted,

/s/ John H. Harding
John W.H. Harding