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EXHIBIT A

*Plaintiff OutServe-SLDN, Inc.'s Second Supplemental Response
to Defendants' First Set of Interrogatories, No. 3*

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

RICHARD ROE et al.,
Plaintiffs,
v.

MARK T. ESPER et al.,
Defendants.

Civ. No. 1:18-cv-01565 LMB IDD

NICHOLAS HARRISON et al.,
Plaintiffs,
v.

MARK T. ESPER et al.,
Defendants.

CIVIL ACTION NO. 1:18-CV-00641

**PLAINTIFF OUTSERVE-SLDN, INC.'S SECOND SUPPLEMENTAL RESPONSES TO
DEFENDANTS' FIRST SET OF INTERROGATORIES**

In accordance with Rules 26(e)(1)(A) and 33 of the Federal Rule of Civil Procedure, Plaintiff OutServe-SLDN, Inc., through undersigned counsel, provides the following supplemental responses to Defendants' First Set of Interrogatories. In presenting these objections, Plaintiff does not waive any further objection in pretrial motions practice or at trial to the admissibility of evidence on any appropriate ground.

SUPPLEMENTAL RESPOSNES TO SPECIFIC INTERROGATORIES

Interrogatory No. 3. Describe in detail how OutServe has suffered direct injury in *Harrison* or *Roe*.

Objection: Plaintiff OutServe objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and the work product privilege.

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Supplemental Response: Subject to its objection, OutServe supplements its response to this interrogatory as follows: OutServe has suffered direct organizational injury because it has been required to divert the organization's resources to address and counteract policies, actions, and decisions from the Department of Defense and Service branches that harm OutServe members who are living with HIV, as follows:

Expansion of OutServe's Mission to Include HIV. After the repeal of Don't Ask Don't Tell ("DADT") in 2012, OutServe started to broaden its focus to include additional constituencies beyond just lesbian, gay, and bisexual people who had been affected by DADT—for example, advocating for open and authentic military service by transgender people. OutServe lost all its staff in 2013, making expansion of programs and services difficult. For a period, OutServe was operated by a volunteer Board of Directors, assisted by volunteers and some paid consultants.

Around that time, OutServe adopted a mission "to: educate the community, provide legal services, advocate for authentic transgender service, provide developmental opportunities, support members and local chapters, communicate effectively, and work towards equality for all." The part of the mission directed to "work[ing] toward equality for all" allowed for expansion of programs and services when needed to address the unequal, discriminatory, or unfair treatment of members of the communities that OutServe serves.

One of the areas OutServe identified for expansion was addressing the military's policies surrounding HIV. In September 2015, the Board discussed potential programming and advocacy initiatives on two HIV-related issues: (1) the inconsistent access to pre-exposure prophylaxis ("PrEP," a biomedical intervention that prevents the spread of HIV through daily medication taken by people who do *not* have HIV) by service members who consider themselves at risk for

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HIV exposure, and (2) accession standards, which operate as a categorical bar to people living with HIV enlisting or commissioning into service. The Board discussed how advances in HIV medical science and the understanding of HIV possibly made these military regulations outdated.

In 2016, OutServe received inquiries from two people who were cadets at U.S. military academies and living with HIV. Both faced the prospect of being denied their commissions because of their HIV status. OutServe engaged in advocacy on behalf of these cadets by interacting with sub-cabinet-level personnel at the Department of Defense. Executive Director Matt Thorn and OutServe staff planned to increase policy and advocacy efforts on broader HIV issues—particularly as to accessions and retention of service members with HIV—on the assumption that an LGBT- and HIV-friendly administration would be elected in November 2016. With the election of President Trump, however, broad-based policy efforts were abandoned, and OutServe’s work focused on addressing the legal needs of its members with HIV and, when possible, engaging Congressional allies on smaller, discrete issues related to HIV.

Advocacy and policy efforts with Congress resumed in February 2018 after the Department of Defense issued a Memorandum re DoD Retention Policy for Non-Deployable Service Members (referred to as “Deploy or Get Out”).

Staffing. In 2015, OutServe started to re-hire permanent staff: an Interim Executive Director in February; Counsel, who later became Legal Director, in November; and a Legal & Policy Associate, with duties primarily focused on providing legal services to individual clients, in December. Dedicated staff, particularly legal staff, facilitated the expansion of legal services to include not just legacy programs (mostly discharge upgrades), but also individual members who needed legal assistance because of issues they were facing based on their sexual orientation, gender identity, or HIV status.

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Since 2015, OutServe’s staff size has fluctuated but always remained small, especially in the legal department. And even while staff hires have continued since 2015, Legal Director Peter Perkowski has always been the only lawyer in the department that is the member of a State Bar in any jurisdiction. As the only barred attorney on OutServe’s staff, Mr. Perkowski is necessarily involved in supervising the work of other personnel providing legal services to members, in addition to directly assisting clients himself. Further, because of Mr. Perkowski’s extensive knowledge and experience in HIV matters, and the complexities around continuing to serve in the U.S. Armed Forces after being diagnosed with HIV, he handles all inquiries from members with HIV except for routine questions and requests for information. Consequently, as the number of inquiries from people with HIV have increased, the time required to deal with them has increased—as detailed below, often at the expense of other matters.

Mr. Perkowski’s responsibilities also extend to policy and advocacy matters as they relate to HIV and beyond, and some educational and programmatic matters to the extent they are legal in nature (*e.g.*, the Freedom to Serve publication) or relate to HIV (*e.g.*, the HIV 101 education program). Mr. Perkowski also handles the internal legal matters of the organization, including mergers and acquisitions, governance issues, and other matters as they arise.

Mr. Perkowski was hired as a part-time paid contractor, but as the workload of the department has increased, his contribution has ranged from part- to full-time as needed.

OutServe has employed other staff in the legal & policy department:

Andy Blevins	2016: Legal & Policy Associate (part-time, paid) 2017: Legal & Policy Manager (part-time, paid) Mar.-July 2018: Law & Policy Director (part-time, paid) July-Oct. 2018: VP Operations & Strategy (part-time, paid) Since Oct. 2018: Executive Director (non-legal)
Lauren Anderson	Feb. – Aug. 2016: Legal intern (part-time, unpaid)
Emily Dougherty	Aug. – Nov. 2016: Legal intern (part-time, unpaid)

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Felipe Rendon	Feb. 2017 – Mar. 2018: Legal & Policy Associate (part-time, paid)
Kai River Blevins	Aug. – Dec. 2017: Legal & Policy Research Associate (part-time, unpaid)
Michael Anderson	Jan. – Oct. 2017: Policy Associate (part-time, paid)
Dimitri Pixley	Feb. – Oct. 2017: Policy Associate (part-time, unpaid)
Hanna Tripp	July 2018 – Oct. 2018: Legal & Policy Associate (part-time, paid)
Corrine Cole	Summer 2017: Legal research clerk (part-time, unpaid); Sept. 2018 – June 2019: Legal & Policy Manager (paid, part-time)
Michael Daurio	Summer 2018: Legal Intern (full-time, unpaid)
Aerica Siegal	Aug. – Nov. 2018: Legal Intern (part-time, unpaid)
Bridget Lawson	Nov. 2018 – Apr. 2019: Legal Intern (part-time, unpaid)
Shanae Jung	Nov. 2018 – Apr. 2019: Legal Intern (part-time, unpaid)
Alex Garmenstani	Jan. 2019 – present: Policy & Advocacy Intern (part-time, unpaid)
Chris Conrad	May. 2019 – present: Policy & Advocacy Intern (part-time, unpaid)

Policy staff (Michael Anderson, Dmitri Pixley, Alex Garmenstani, and Chris Conrad) did not or do not work on legal matters. Legal staff have worked on research projects, preparing documents, reviewing and summarizing files, and doing client intake and other interactions with clients. Except for Corrine Cole (during her stint as Legal & Policy Manager), and Andy Blevins since January 2019, none of these staff members had graduated from law school, and several were not even law students.

Escalating Workload Related to HIV. While OutServe continued to have limited staff resources to provide members with legal services, both the total number of members seeking

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legal help, and the the number of members seeking assistance with issues related to HIV, have dramatically increased.

In 2016, available records show that OutServe served 171 clients needing legal assistance. Of those, three members sought legal assistance related to Defendants' HIV policies. One was a member of the Reserves who was being or had been separated due to HIV and could not re-enlist because of Defendants' categorical bar on the accession into military service by people with HIV. Two other clients had been or were being denied a commission upon graduating from Service academies. (Four other clients with HIV contacted OutServe in 2016. All four were veterans, and two of them needed assistance unrelated to HIV.)

In 2017, requests for legal services overall, and legal services related to HIV specifically, increased. OutServe received 317 requests for legal assistance. Of those, six were from people living with HIV, and five of them needed legal assistance related to Defendants' HIV policies. The requests fell into the following categories:

- *Accessions*: Three people encountered barriers to accessing because of their HIV status: one was refused a commission upon graduating from the Naval Academy; one was an enlisted man denied a commission into the JAG corps; and the third wanted to enlist but was prevented from doing so because of Defendants' policies.
- *Discipline and separation*: Two faced discipline, including court martial or involuntary separation, because of their HIV status.
- *Veteran*: One was a veteran who had been negatively affected by Defendants' HIV policies while in the Navy.

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The following year, 2018, showed a dramatic increase in legal services related to HIV. OutServe received 393 inquiries through its legal help desk. Of those, 24 were from people living with HIV. The requests fell into the following categories:

- *Retention/“Deploy or Get Out”/Deployment Restrictions:* Fifteen people had issues related to deployment and retention because of HIV. Several service members needed advice related to the possible effect that the “Deploy or Get Out” policy, announced in February 2018, would have on people living with HIV. At bottom, these individuals needed advice and assistance because military policy places restrictions on their deployment. Others wanted to deploy or take duty assignments outside the United States but couldn’t because of policy restrictions related to HIV. Many were either in, or worried about being put in, the Disability Evaluation System because they had been diagnosed with HIV; those who are in the Air Force were worried about being involuntary separated because of HIV.
- *Assignment restrictions:* Two people had issues with duty restrictions they experienced because of their HIV status. One was an Air Force pilot who was grounded after his HIV diagnosis; another was a flight medic who had his status pulled after his HIV diagnosis.
- *Discipline/administrative separation:* Two faced discipline—either court martial or involuntary separation—because of their HIV status.
- *Accessions/commissioning:* Five people faced barriers to enlisting or commissioning because of their HIV status. One was separated when his HIV was diagnosed upon initial medical evaluation to be matriculated at the U.S. Military Academy Prep School (“USMAPS”); though he had given up a secure spot in the

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Army National Guard to join USMAPS, he was not allowed to return. Another had been medically cleared to join the Army National Guard and was set to begin basic training when an HIV diagnosis caused him to be separated. Two others were enlisted men wanting to commission as officers, and the fifth was a graduate from a Service academy who had been refused a commission.

Through June 30, 2019, the data show that inquiries due to HIV status and problems resulting from that status continue to increase, with a total of 15 inquiries already made. All but six of these inquiries concerned retention in service, accession into service, or separation due to HIV status. Data concerning the total number of legal inquiries received is not available.

Diversion of Resources. Because of the scarcity of resources (mainly staff time and availability), OutServe makes difficult choices around prioritizing clients, programs, and services. Typically, OutServe chooses to focus on tasks that have the highest impact—*i.e.*, that will help the largest number of people or result in the most significant systemic changes—or that attempts to help individuals in the direst need, such as those who are in legal jeopardy (*e.g.*, court-martial) or in danger of involuntary separation (*e.g.*, administrative separation board hearings, appeals, and disciplinary proceedings). This “triage” system ensures that some people aren’t left behind while OutServe spends valuable resources on matters that are less important, less urgent, or less critical.

Because of the nature of the calls OutServe receives from service members with HIV, OutServe has often prioritized them over other programs and services, and sometimes over other clients. This is because these members are often in the direst situations (*e.g.*, on the verge of being separated) and/or their problems are affecting a large number of other OutServe members. But even when service members with HIV call with non-critical issues—such as having been

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recently diagnosed—assisting them can be time- and resource-intensive. It involves providing non-litigation support and information (such as scientific and medical information); counseling on strategies; giving legal advice and consultation; and even providing emotional and social support. This often involves engaging in lengthy phone calls, and can also include conducting research and investigations, writing letters, engaging with detailed JAG counsel, and assisting with the preparation of administrative appeal documents.

Doing this work for people living with HIV has resulted in OutServe staff delaying or curtailing other projects, programs, and services.

Organizational projects: The following organizational programs and projects were delayed because the time resources needed for the research and drafting to implement them were allocated to research and advocacy work around the regulations affecting the service of people living with HIV:

Organizational Projects Delayed	HIV-related Work Done Instead
<p><i>Organizational magazine:</i> an online magazine specifically for the LGBTQ military community— [REDACTED].</p> <p><i>Freedom to Serve:</i> supplements to OutServe’s comprehensive informational guide to LGBTQ and HIV+ military service, including supplements specifically addressing:</p> <ul style="list-style-type: none"> • Sex and relationships in the military— [REDACTED] • Immigration and military service— [REDACTED] • Spouses and families [REDACTED] • Transgender service [REDACTED] • Service while living with HIV— [REDACTED] <p><i>Regional Director’s toolbox:</i> an online host of resources for OutServe’s regional directors and</p>	<p>Meetings, calls, and emails with OutServe staff, other third-party HIV advocates, and members of Congress and their staff to:</p> <p><i>Retention Policy (“Deploy or Get Out”):</i> address and strategize re ensuring that the Department of Defense’s Retention Policy is not implemented in a way that negatively effects servicemembers living with HIV; assist members of Congress in writing letters to DoD re same</p> <p><i>HIV decriminalization:</i> address and strategize re implementing changes to military rules that regulate the sexual activity of service members with HIV and that often result in discipline, including court martial and administrative separation</p> <p><i>Airman-specific advocacy:</i> advocate on behalf of and provide assistance to an Air Force pilot with HIV who was grounded after being diagnosed with HIV; conduct research to assist and support pilot’s request for a waiver and exception to policy</p> <p><i>General HIV-related advocacy:</i></p>

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<p>their key volunteers— [REDACTED]</p> <p>[REDACTED]</p> <p><i>Other advocacy efforts, including military sexual trauma [REDACTED] access to veteran’s benefits, especially for those discharge under policies prohibiting open service by LGB people [REDACTED]; and the “spouse tax” [REDACTED]</i></p>	<ul style="list-style-type: none"> • Educate and interact with members of Congress re issues related to HIV in the military • Strategize legislative response and initiatives re updating military policies re HIV • Conduct research for and answer questions by members of Congress and assist with writing letters to DoD inquiring about service members’ (1) access to PrEP; (2) the “Deploy or Get Out” policy; and (3) deployability standards.
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Legal services: OutServe’s ability to provide legal services to its members is limited by the time resource available from its part-time Legal & Policy Director, Peter Perkowski.

Mr. Perkowski has done legal work for people living with HIV, and for organizations advocating on their behalf, for more than 15 years. He is the Chair of the Board of APLA Health & Wellness—a federally qualified health clinic that began in 1984 as an AIDS Service Organization and now provides health services, including HIV-related health services, to people living with HIV and LGBTQ populations—and has served on its Board since 2013. He has also been living with HIV since 1998. Because of his knowledge about HIV and experience with HIV-related legal issues, and because he is the only barred lawyer on staff, Mr. Perkowski personally handles almost all incoming inquiries from service members experiencing issues related to HIV.

Mr. Perkowski’s HIV-related workload for OutServe has grown dramatically since January 2016, as show below.

2016	<p>Total time: approximately 175 hours;</p> <p>Time spent on HIV matters: approx. 7.5 hours</p>
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Jan.-Aug. 2017 **Total time:** approximately 450 hours;
Time spent on HIV matters: approx. 260 hours. Most of these hours related to two matters: direct representation of a Soldier facing administrative separation because of HIV, and direct representation of an Airman facing a court martial because of HIV.

Sept. 2017-Jan. 2018 **Total time:** approximately 250 hours;
Time spent on HIV matters: approx. 20 hours. Of these, approximately 11 hours related to denial of commissions or restrictions on commission due to HIV. The rest were for direct representation of an Airman facing separation due to HIV, as well as some miscellaneous matters.

Feb. 2018: DoD issues its “Deploy or Get Out” memorandum. In total, OutServe received at least five calls specifically around the DOGO policy, and around seven more about deployment restrictions generally.

Feb.-Aug. 2018 **Total time:** approximately 565 hours;
Time spent on HIV matters: approx. 150 hours. Most of these hours relate to: the “Deploy or Get Out” policy; denial of commissioning matters; HIV-related litigation matters; and assistance to a pilot grounded due to HIV. Less than 30 hours involved assisting an Airman being administratively separated for HIV; preparing an amicus brief in an HIV-related appeal before the Court of Appeals for the Armed Forces; and direct representation of a Marine facing separation due to HIV.

May 2018: *Voe* lawsuit filed (later dismissed and consolidated with *Deese*); *Harrison* lawsuit filed. In total, OutServe received requests for assistance and advice from ten service members wanting to enlist or commission—or being separated at the accessions stage—due to Defendants’ HIV policies.

Aug. 2018: *Deese* lawsuit filed.

Sept.-Dec. 2018 **Total time:** approximately 350 hours;
Time spent on HIV matters: approx. 255 hours. Almost 100 of these hours relate to: the “Deploy or Get Out” policy; denial of commissioning matters; HIV-related litigation matters; and assisting to a pilot grounded due to HIV. About 160 hours related to the direct representation of a Marine being court martialed for HIV, and preparing an amicus brief filed in an HIV-

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related appeal before the Court of Appeals for the Armed Forces.

Dec. 2018: *Roe* lawsuit filed. In addition to the two plaintiffs, OutServe received calls from about nine other Airmen who were being separated, being put into the Disability Evaluation System, or worried about it.

Jan. 2019-present **Total time:** approximately 385 hours;
Time spent on HIV matters: approx. 285 hours. All but about 10 of these hours relate to: retention issues; denial of commissioning matters; HIV-related litigation matters; assistance to a pilot grounded due to HIV; accessions issues; and HIV-related policy and advocacy.

The following programs and projects were delayed because the time resources needed to work on them were allocated, at least in part, to the legal services provided to service members living with HIV, as detailed above:

Project or Client	Explanation
D.K.	D.K. was experiencing problems enlisting because he takes PrEP and is a lawful permanent resident with a green card. Neither should be barriers to enlistment to the Navy. D.K.'s matter has been pending since Jan. 2019 because of the lack of resources necessary to conduct research on his case.
A.M.	The military is seeking recoupment of A.M.'s educational benefits because she was involuntarily separated before completing her minimum term of service. Though the Department of Finance and Accounting Services granted A.M.'s request for a reduced payment, resources have not been available to work on an application for more permanent relief.
Freedom to Serve	A first draft of this online publication was ready for editing in October 2017; it was originally scheduled for publication in October 2017, then delayed until May 2018, then delayed further and released in October 2018.
HIV 101	Planning for this educational program commenced in February 2019; an outline and drafts were presented to Mr. Perkowski in February and late March and are awaiting his input.
JAG training	In October 2018, Mr. Perkowski was invited by the Marine Corps Defense Services Organization's Highly Qualified Expert (West Division) to give a training to DSO JAG officers on issues relating to LGBT and HIV cultural competence. The training has been on hold because of the lack of time resources to create a program.

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HIV clemency petitions	OutServe has wanted to start a legal services program that prepares and submits clemency petitions to the Boards for Correction of Military/Naval Records on behalf of veterans who were court martialled or administratively discharge with less-than-honorable discharge characterizations because of regulations regulating sexual activity. This program has been in the pre-planning stages since the Fall 2017 because of the lack of resources to organize and implement it.
Time-in-service test cases	A significant number of OutServe clients were discharged involuntarily under DADT (and other policies prohibiting the open service of lesbian, gay, and bisexual people) before they had acquired the minimum time-in-service to qualify for certain veterans' benefits. Since early 2018, OutServe has planned to file test cases with the Boards for Correction of Military/Naval Records, but has lacked the personnel resources to do so.

Though the lack of time and staff resources can sometimes be solved by hiring more legal-services personnel, OutServe lacks the financial resources to pay additional legal staff, interns cannot do some of the complex legal work that is currently delayed, and the need for Mr. Perkowski's review or input would still create a bottleneck.

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Dated: July 1, 2019

/s/ Scott Schoettes

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document was served on this 1st day of July 2019, to the following counsel of record via electronic mail.

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*/s/ John H. Harding*_____

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EXHIBIT B

*Plaintiff OutServe-SLDN, Inc.'s Responses to
Defendants' Second Set of Interrogatories,
Nos. 9-10, 13-14*

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

NICHOLAS HARRISON et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civ. No. 1:18-cv-641-LMB-IDD
MARK T. ESPER et al.,)	
)	
Defendants.)	
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RICHARD ROE et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
MARK T. ESPER et al.,)	
)	Civ. No. 1:18-cv-1565-LMB-IDD
Defendants.)	
)	

**PLAINTIFF OUTSERVE-SLDN, INC.’S RESPONSES TO
DEFENDANTS’ SECOND SET OF INTERROGATORIES**

In accordance with Local Rule 26(C) and Federal Rule of Civil Procedure 33, Plaintiff OutServe-SLDN, Inc., through undersigned counsel, provides the following objections to Defendant’s Second Set of Interrogatories. In presenting these objections, Plaintiffs do not waive any further objection in pretrial motions practice or at trial to the admissibility of evidence on any appropriate ground.

RESPONSES TO SPECIFIC INTERROGATORIES

Interrogatories in Both Cases

Interrogatory No. 7. Identify all the individuals who have served on the OutServe Board of Directors from 2015 until present, including their names, dates of service, whether they are a

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member of an identity group that would qualify them as an OutServe member, and the identity group(s) to which they belong.

Objection: Plaintiff OutServe objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege and the work product privilege.

Response: Subject to its objections, OutServe responds as follows:

As of January 2015, the members of OutServe's Board of Directors were as follows: John Gillespie (Co-Chair), [REDACTED] Jeffrey Mueller (Co-Chair), [REDACTED] Wesley Reynolds (Secretary), [REDACTED]; Jeffry Priela (Treasurer), [REDACTED] Monique Clark, [REDACTED] Robert Dockendorff, [REDACTED] Joshua Fontanez, [REDACTED] and Brian Schaaf, [REDACTED] In March 2015, Brian Schaaf resigned from the Board.

Board composition remained the same until August 2016. In August 2016, the members of OutServe's Board of Directors were as follows: John Gillespie (Chair); Wesley Reynolds (Vice Chair); Joshua Fontanez (Secretary); Jeff Priela (Treasurer); Monique Clarke; Jeff Mueller; Robert Dockendorff; Lee Reinhart, [REDACTED] John Klenert, [REDACTED] and Benjamin Finzel, [REDACTED] In December 2016, John Gillespie resigned from the Board. There were no additional changes in Board composition until June 2017.

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In June 2017, the following people joined the OutServe Board: Shaina Barnes, [REDACTED]
[REDACTED] Sharon Brackett, [REDACTED]
[REDACTED];
Mica Willis, [REDACTED], and Bryan Hlavinka, [REDACTED]
[REDACTED] There were no other changes to Board
composition at that time.

In December 2017, OutServe merged with the Military Partners and Families Coalition
and the following two people were added to the Board: Ariana Bostian-Kentes, [REDACTED]
[REDACTED] and Tracey Hepner, [REDACTED]
[REDACTED]
No other changes to Board composition occurred at that time.

In November 2018, Robert Dockendorff resigned from the Board.

In December 2018, the following individuals were voted on to the Board with terms
beginning in January 2019: Danyell Brenner, [REDACTED]
[REDACTED] Hanna Tripp, [REDACTED] John Harry, [REDACTED]
[REDACTED] Lars Anderson, [REDACTED] Nathaniel Boehme,
[REDACTED] and Todd Weiler, [REDACTED].

There were no other changes to the Board composition at that time.

In May 2019, OutServe voted to combine with The American Military Partner
Association. On the effective date of the merger, which has yet to be finalized, the Board
composition will be as follows: Joshua Fontanez, Wes Reynolds, Monique Clarke, Lars
Anderson, Ariana Bostian-Kentes, Tracey Hepner, John Harry, Bryan Hlavinka, Jeffrey Mueller,
Hanna Tripp, Todd Weiler, Ashley Broadway-Mack, [REDACTED]

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[REDACTED] Stephen Peters, [REDACTED]
[REDACTED]; Jim Cassidy, [REDACTED]
[REDACTED]; Adrianna Domingos-Lupher, [REDACTED]
[REDACTED]; Tim Hanson, [REDACTED]
[REDACTED] Lori Hensic, [REDACTED]; Alicia
Hinds Ward, [REDACTED]
[REDACTED] Gregory Pizarro Jr., [REDACTED] and
Michelle Lane-Cull, [REDACTED].

In June 2019, effective as of the merger effective date, Stephen Peters resigned from the Board and took a staff position as Communications Director.

Interrogatory No. 8. Identify all individuals who provided assistance in answering any Interrogatory contained in this document (including interrogatories applicable to the *Harrison* case, the *Roe* case, or to both cases).

Objection: Plaintiff OutServe objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege and the work product privilege.

Response: Subject to the objections, OutServe responds as follows: Andy Blevins, Peter Perkowski, and Stephen Peters.

Interrogatories in Only *Harrison V. Shanahan*

Interrogatory No. 9. Describe, in detail, each and every expenditure of time or money, by specific activity and amount, that you claim OutServe or any individual working on behalf of OutServe (including but not limited to its employees, staff, agents, consultants, contractors, and volunteers) incurred as a result of the policies challenged in the *Roe* suit.

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Objection: Plaintiff OutServe objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege and the work product privilege. OutServe further objects to this interrogatory on the following grounds: (1) detail of “each and every expenditure of time or money” of the entire organization incurred as a result of particular policies is neither relevant to the parties’ claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence—that is, the relevant inquiry focuses on diversion of resources away from particular work (i.e., work that was not done); (2) to the extent relevant, detailing “each and every expenditure of time or money” of the entire organization incurred due to particular policies is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (3) the burden and expense of the proposed discovery outweighs its likely benefit, in that the interrogatory seeks information from all “employees, staff, agents, consultants, contractors, and volunteers” and OutServe has no time-tracking system, while as noted above the detail requested has little benefit. OutServe will respond to the interrogatory by detailing generally the time and expenses incurred as a result of the challenged policies.

Response: Subject to its objections, OutServe responds as follows: Under Fed. R. Civ. P. 33(d), information responsive to this interrogatory may be determined in part by examining, auditing, compiling, abstracting, or summarizing business records, and the burden of deriving or ascertaining the answer is substantially the same for either party. OutServe identifies the following documents that may be reviewed to determine time and money expenditures related to the *Roe* lawsuit: Invoices of Perkowski Legal. The following other OutServe staff members and

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volunteers have devoted time, and *de minimis* expenses, related to the *Roe* lawsuit and more generally related to addressing and counteracting Defendants' HIV policies:

Matt Thorn	Advocacy efforts to the Department of Defense and Service branches on behalf of service members with HIV; advocacy efforts and policy initiatives with members of Congress and their staff
Andy Blevins	Prepping and sitting for deposition; assisting with discovery responses and document collection; informational and strategy communications with legal team; attending to communications strategy and PR/media; advocacy efforts and policy initiatives with members of Congress and their staff regarding the military's HIV policies and on behalf of service members with HIV; client intake/legal help desk staffing
Corrine Cole	Informational and strategy communications with legal team; directing and supervising work of interns; client intake/legal help desk staffing
Aerica Siegel (intern)	Informational and strategy communications with legal team; research projects
Michael Daurio (intern)	Informational and strategy communications with legal team; editing and cite-checking Freedom to Serve publication (which includes HIV information and education)
Shanae Jung (intern)	Informational and strategy communications with legal team; research projects
Bridget Lawson (intern)	Informational and strategy communications with legal team; research projects
Stephen Peters	Assisting with discovery responses; attending to communications strategy and PR/media
Mitch Burge (MAC)	Assisting with document collection

Neither OutServe nor these staff members tracked or recorded the time they spent on the activities set forth above.

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Interrogatory No. 10. For each expenditure identified in Interrogatory Number 9, describe in detail the activity or activities you claim OutServe or any individual working on behalf of OutServe were unable to pursue because of the specific diversion of resources that you described in response to Interrogatory Number 9 and why.

Objection: Plaintiff OutServe objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege and the work product privilege. OutServe further objects to this interrogatory on the grounds that it is confusing and unintelligible, in that OutServe does not “horse trade” time and expenses in the manner suggested by the interrogatory. OutServe will respond to the interrogatory by detailing work it was unable to pursue, or delayed pursuing, because of the challenged policies.

Response: Subject to its objections, OutServe responds as follows: *See* OutServe’s Second Supplemental Response to Defendants’ First Set of Interrogatories.

Interrogatory No. 11. Identify all the individuals who OutServe claims were its members at the time the *Harrison* suit was filed, including their names (or identifier in lieu of a name), the basis by which their membership was established and maintained (e.g., Facebook, donation, newsletter subscription, local chapter, etc.), and the dates of their membership.

Objection: Plaintiff OutServe objects to this interrogatory on the following grounds: (1) the identity of specific members of OutServe is neither relevant to the parties’ claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence—that is, there is no authority analyzing organizational standing using the identity of specific members of the organization; (2) to the extent relevant, the identity of specific members of OutServe is not proportional to the needs of the case, considering the importance of the issues at stake in the

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action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; (3) the burden and expense of the proposed discovery outweighs its likely benefit, in that OutServe has some 7,000 members and no member database, whereas the identity of specific OutServe members likely has no benefit. Plaintiff OutServe also objects to this request to the extent it requires the disclosure of the identities of members of OutServe who have not come forward for the purposes of this litigation on the grounds that it seeks information protected by the associational privilege of the First Amendment of the United States Constitution. *See Sexual Minorities of Uganda v. Lively*, 2015 WL 4750931 at *3 (D. Mass. Aug. 10, 2015) (finding that members' identities may be withheld from production "when . . . discovery would have the practical effect of discouraging the exercise of [constitutionally protected] associational rights"). Plaintiff therefore will not produce any information revealing the identities of members of OutServe who have not come forward for the purposes of this litigation. Finally, OutServe objects to this request on privacy grounds. Any information provided in response to this interrogatory will be provided in accordance with the protective orders entered in these cases. *See Roe, et al.*, Dkt. No. 45; *Harrison, et al.*, Dkt. No. 71.

Response: OutServe-SLDN stands on its objections to this interrogatory.

Interrogatory No. 12. To the extent that you are unable to fully and completely respond to Interrogatory No. 11, explain the reasons that the information is unavailable.

Objection: Plaintiff OutServe objects to this interrogatory on the following grounds: (1) the identity of specific members of OutServe is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence—that is, there is no

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authority analyzing organizational standing using the identity of specific members of the organization; (2) to the extent relevant, the identity of specific members of OutServe is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; (3) the burden and expense of the proposed discovery outweighs its likely benefit, in that OutServe has some 7,000 members and no member database, whereas the identity of specific OutServe members likely has no benefit. Plaintiff OutServe also objects to this request to the extent it requires the disclosure of the identities of members of OutServe who have not come forward for the purposes of this litigation on the grounds that it seeks information protected by the associational privilege of the First Amendment of the United States Constitution. *See Sexual Minorities of Uganda v. Lively*, 2015 WL 4750931 at *3 (D. Mass. Aug. 10, 2015) (finding that members' identities may be withheld from production "when . . . discovery would have the practical effect of discouraging the exercise of [constitutionally protected] associational rights"). Plaintiff therefore will not produce any information revealing the identities of members of OutServe who have not come forward for the purposes of this litigation. Finally, OutServe objects to this request on privacy grounds. Any information provided in response to this interrogatory will be provided in accordance with the protective orders entered in these cases. *See Roe, et al.*, Dkt. No. 45; *Harrison, et al.*, Dkt. No. 71.

Response: Subject to the objections, OutServe responds as follows: OutServe does not maintain a membership database, and the lists that it does maintain (donor lists, subscribers lists, and member pages on OutServe Chapter & Forum Facebook groups) do not track all of the information requested in the interrogatory, such that producing those lists with personally

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identifying information redacted and/or anonymized would reveal no meaningful information in response to the interrogatory. In particular, OutServe does not ask donors or subscribers to provide their sexual orientation or history of military service. And while Chapters & Forums are open to members only, redacting and producing those Facebook member lists would be time-consuming and, ultimately, unhelpful.

Interrogatories in Only *Roe V. Shanahan*

Interrogatory No. 13. Describe, in detail, each and every expenditure of time or money, by specific activity and amount, that you claim OutServe or any individual working on behalf of OutServe (including but not limited to its employees, staff, agents, consultants, contractors, and volunteers) incurred as a result of the policies challenged in the *Harrison* suit.

Objection: Plaintiff OutServe objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege and the work product privilege. OutServe further objects to this interrogatory on the following grounds: (1) detail of “each and every expenditure of time or money” of the entire organization incurred as a result of particular policies is neither relevant to the parties’ claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence—that is, the relevant inquiry focuses on diversion of resources away from particular work (i.e., work that was not done); (2) to the extent relevant, detailing “each and every expenditure of time or money” of the entire organization incurred due to particular policies is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (3) the burden and expense of the proposed discovery outweighs its likely benefit, in that the interrogatory seeks information from all “employees, staff, agents, consultants, contractors, and volunteers” and

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OutServe has no time-tracking system, while as noted above the detail requested has little benefit. OutServe will respond to the interrogatory by detailing generally the time and expenses incurred as a result of the challenged policies.

Response: Subject to its objections, OutServe responds as follows: Under Fed. R. Civ. P. 33(d), information responsive to this interrogatory may be determined in part by examining, auditing, compiling, abstracting, or summarizing business records, and the burden of deriving or ascertaining the answer is substantially the same for either party. OutServe identifies the following documents that may be reviewed to determine time and money expenditures related to the *Roe* lawsuit: Invoices of Perkowski Legal. The following other OutServe staff members and volunteers have devoted time, and *de minimis* expenses, related to the *Roe* lawsuit and more generally related to addressing and counteracting Defendants’ HIV policies:

- | | |
|-------------------------|---|
| Matt Thorn | Advocacy efforts to the Department of Defense and Service branches on behalf of service members with HIV; advocacy efforts and policy initiatives with members of Congress and their staff |
| Andy Blevins | Prepping and sitting for deposition; assisting with discovery responses and document collection; informational and strategy communications with legal team; attending to communications strategy and PR/media; advocacy efforts and policy initiatives with members of Congress and their staff regarding the military’s HIV policies and on behalf of service members with HIV; client intake/legal help desk staffing |
| Corrine Cole | Informational and strategy communications with legal team; directing and supervising work of interns; client intake/legal help desk staffing |
| Aerica Siegel (intern) | Informational and strategy communications with legal team; research projects |
| Michael Daurio (intern) | Informational and strategy communications with legal team; editing and cite-checking Freedom to Serve publication (which includes HIV information and education) |

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Shanae Jung (intern)	Informational and strategy communications with legal team; research projects
Bridget Lawson (intern)	Informational and strategy communications with legal team; research projects
Stephen Peters	Assisting with discovery responses; attending to communications strategy and PR/media
Mitch Burge (MAC)	Assisting with document collection

Neither OutServe nor these staff members tracked or recorded the time they spent on the activities set forth above.

Interrogatory No. 14. For each expenditure identified in Interrogatory Number 12, describe in detail the activity or activities you claim OutServe or any individual working on behalf of OutServe were unable to pursue because of the specific diversion of resources that you described in response to Interrogatory No. 12 and why.

Objection: Plaintiff OutServe objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege and the work product privilege. OutServe further objects to this interrogatory on the grounds that it is confusing and unintelligible, in that OutServe does not “horse trade” time and expenses in the manner suggested by the interrogatory. OutServe will respond to the interrogatory by detailing work it was unable to pursue, or delayed pursuing, because of the challenged policies.

Response: Subject to its objections, OutServe responds as follows: *See* OutServe’s Second Supplemental Response to Defendants’ First Set of Interrogatories.

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Interrogatory No. 15. Identify all the individuals who OutServe claims were its members at the time the *Roe* suit was filed, including their names (or identifier in lieu of a name), the basis by which their membership was established and maintained (e.g., Facebook, donation, newsletter subscription, local chapter, etc.), and the dates of their membership.

Objection: Plaintiff OutServe objects to this interrogatory on the following grounds: (1) the identity of specific members of OutServe is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence—that is, there is no authority analyzing organizational standing using the identity of specific members of the organization; (2) to the extent relevant, the identity of specific members of OutServe is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; (3) the burden and expense of the proposed discovery outweighs its likely benefit, in that OutServe has some 7,000 members and no member database, whereas the identity of specific OutServe members likely has no benefit. Plaintiff OutServe also objects to this request to the extent it requires the disclosure of the identities of members of OutServe who have not come forward for the purposes of this litigation on the grounds that it seeks information protected by the associational privilege of the First Amendment of the United States Constitution. *See Sexual Minorities of Uganda v. Lively*, 2015 WL 4750931 at *3 (D. Mass. Aug. 10, 2015) (finding that members' identities may be withheld from production “when . . . discovery would have the practical effect of discouraging the exercise of [constitutionally protected] associational rights”). Plaintiff therefore will not produce any information revealing the identities of members of OutServe who have not come forward for the purposes of this litigation. Finally, OutServe objects to this request on privacy

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grounds. Any information provided in response to this interrogatory will be provided in accordance with the protective orders entered in these cases. *See Roe, et al.*, Dkt. No. 45; *Harrison, et al.*, Dkt. No. 71.

Response: OutServe-SLDN stands on its objections to this interrogatory.

Interrogatory No. 16. To the extent that you are unable to fully and completely respond to Interrogatory No. 15, explain the reasons that the information is unavailable.

Objection: Plaintiff OutServe objects to this interrogatory on the following grounds: (1) the identity of specific members of OutServe is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence—that is, there is no authority analyzing organizational standing using the identity of specific members of the organization; (2) to the extent relevant, the identity of specific members of OutServe is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; (3) the burden and expense of the proposed discovery outweighs its likely benefit, in that OutServe has some 7,000 members and no member database, whereas the identity of specific OutServe members likely has no benefit. Plaintiff OutServe also objects to this request to the extent it requires the disclosure of the identities of members of OutServe who have not come forward for the purposes of this litigation on the grounds that it seeks information protected by the associational privilege of the First Amendment of the United States Constitution. *See Sexual Minorities of Uganda v. Lively*, 2015 WL 4750931 at *3 (D. Mass. Aug. 10, 2015) (finding that members' identities may be withheld from production “when . . . discovery would have the practical effect of discouraging

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the exercise of [constitutionally protected] associational rights”). Plaintiff therefore will not produce any information revealing the identities of members of OutServe who have not come forward for the purposes of this litigation. Finally, OutServe objects to this request on privacy grounds. Any information provided in response to this interrogatory will be provided in accordance with the protective orders entered in these cases. *See Roe, et al.*, Dkt. No. 45; *Harrison, et al.*, Dkt. No. 71.

Response: Subject to the objections, OutServe responds as follows: OutServe does not maintain a membership database, and the lists that it does maintain (donor lists, subscribers lists, and member pages on OutServe Chapter & Forum Facebook groups) do not track all of the information requested in the interrogatory, such that producing those lists with personally identifying information redacted and/or anonymized would reveal no meaningful information in response to the interrogatory. In particular, OutServe does not ask donors or subscribers to provide their sexual orientation or history of military service. And while Chapters & Forums are open to members only, redacting and producing those Facebook member lists would be time-consuming and, ultimately, unhelpful.

Dated: June 28, 2019

/s/ Scott Schoettes

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document was served on this 28th day of June 2019, to the following counsel of record via electronic mail.

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/s/ John W. H. Harding

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EXHIBIT C

Excerpts from the July 2, 2019 Deposition of Anthony Blevins

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Transcript of **Anthony L. Blevins 30(b)(6)**

Tuesday, July 2, 2019

Harrison, et al. v. Shanahan

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Alderson Reference Number: 86974

1 STATES DEPARTMENT OF DEFENSE, :
2 Defendants. :

3 - - - - - X

4 Washington, DC

5 Tuesday, July 2, 2019

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7 30(b)(6) Deposition of OutServe, Inc., by
8 and through its representative ANTHONY L. BLEVINS, a
9 witness herein, called for examination by counsel for
10 Defendants in the above-entitled matter, pursuant to
11 notice, the witness being duly sworn by Rebecca L.
12 Stonerock, a Notary Public in and for the District of
13 Columbia, taken at the offices of the United States
14 Department of Justice, 1100 L Street NW, Washington,
15 DC, at 9:35 a.m., Tuesday, July 2, 2019, and the
16 proceedings being taken down by Stenotype by Rebecca
17 L. Stonerock, RPR, and transcribed under her
18 direction.

19
20
21
22

1 A. Yeah, I get briefings from my legal team.

2 Q. How often do you get those briefings?

3 A. Usually every one to two weeks.

4 Q. And they explain to you the types of calls
5 you're receiving?

6 A. Generally, yes.

7 Q. One of the sub-bullets here talks about,
8 let's see -- sorry, not this one. Let's go to
9 paragraph 15.

10 In paragraph 15 you talk about service
11 members who are subject to discipline such as
12 criminal prosecution or court-martial. The
13 military's discipline policies described in this
14 paragraph, are they the subject of the Harrison suit?

15 A. No, I don't believe so.

16 Q. And are they the subject of the Roe suit?

17 A. No, I don't believe so.

18 Q. Let's go to paragraph 16 where you talk
19 about the scarcity of resources. And we'll talk
20 about this in more detail later in the deposition.
21 But can you describe the basis for your statements
22 made in this paragraph?

1 A. Sure. So this is just from strategic
2 conversations that I have with my department heads.
3 Because we do have such scarce resources, we try and
4 figure out what we're going to focus on to make the
5 largest impact.

6 Q. And do you have any documentary evidence
7 regarding the strategic conversations?

8 A. Other than the strategic plans, which I
9 believe were already provided, no.

10 Q. In paragraph 17, can you describe the
11 basis for the statements that you've made in
12 paragraph 17?

13 A. Yes. So the folks that contact us that
14 are living with HIV have very specific legal needs.
15 And because we have such scarce resources, we haven't
16 really been able to do the full training for our
17 legal interns. So Mr. Perkowski, because he does
18 have all of that knowledge, has to do the majority of
19 these intakes and working with the clients. And
20 because of that, that triage system, it causes us to
21 move the HIV clients forward.

22 Q. And which -- what documentary evidence

1 Q. So in this particular paragraph you talk
2 about service to transgender service members. Have
3 you delayed or deferred any service to a transgender
4 service member because of HIV support?

5 A. We have had to delay some services to
6 folks that identify as transgender, yes.

7 Q. Can you give me an example?

8 A. For example, we -- an individual needed a
9 letter because of some discriminatory actions based
10 on their transgender status, and we had to push back
11 writing that letter.

12 Q. Any other instances you've had to delay a
13 service to a transgender service member?

14 A. I can't recall any others right now.

15 Q. Why have you decided to prioritize
16 assistance to HIV over assistance to transgender
17 service members?

18 A. We're very lucky to have a lot of
19 community partners helping us with the transgender
20 service members right now. Like I mentioned earlier,
21 we are the subject matter experts for those that are
22 living with HIV and nobody's really prepared to help

1 us, so nobody else is helping that community either.

2 So when we were doing our strategic plan,
3 we decided that we needed to prioritize this
4 community because nobody else was.

5 Q. Okay. We can set this aside for now, but
6 like the interrogatories, keep this kind of on top.

7 I want to turn to talking about your
8 membership a little bit more. How many members do
9 you believe that OutServe currently has?

10 A. We -- we believe there's about 75,000
11 active members and supporters right now.

12 Q. 7,000 or 75,000?

13 A. 75,000 active members and supporters.

14 Q. At the time the lawsuit was filed, how
15 many members do you believe you had?

16 A. Oh, gosh. I believe we had 6,100 members.
17 There are so many numbers. Not including the
18 supporters, I believe we had 6,100 members at the
19 time the lawsuit was filed.

20 Q. And at present time, how many members
21 versus supporters do you believe you have?

22 A. I would -- I believe we have about 8,000

1 MS. BERMAN: I just want to mention before
2 your attorney writes anything else on that, we are
3 going to take his notes. So --

4 MR. PERKOWSKI: That's fine.

5 MS. BERMAN: -- we would take your notes,
6 too.

7 MS. CUTRI-KOHART: Thank you, Keri.

8 This is a large printout. We'll call this
9 Exhibit Number 4.

10 (Blevins Exhibit No. 4 was marked for
11 identification.)

12 BY MS. CUTRI-KOHART:

13 Q. Do you recognize this?

14 A. I do.

15 Q. What is this?

16 A. This is the 2014 survey, I believe.

17 Q. And just for the record, I have only
18 printed out the surveys and responses and there were
19 a bunch of redacted names and I just didn't to save
20 trees. Is that okay with you?

21 A. Yes, ma'am.

22 Q. This survey was conducted in 2014; is that

1 correct?

2 A. Yes.

3 Q. Is this the first time, to your knowledge,
4 that OutServe has ever conducted a survey like this?

5 A. Yes.

6 Q. Why did OutServe conduct this survey?

7 A. In order to get input from our members
8 into the direction of the organization and figure out
9 how we can better serve them. Additionally, who --
10 how are the members identified.

11 Q. Who was the survey sent to?

12 A. Our members. So through SurveyMonkey --
13 the SurveyMonkey was sent through Mailchimp and
14 through Facebook.

15 Q. So it was sent to everybody on our
16 mailing -- e-mail list?

17 A. Yes.

18 Q. And everybody on your Facebook pages.

19 A. Yes.

20 Q. And at that time, how many people was
21 that?

22 A. 2014. I would estimate that we had about

1 5,000 in the Facebook groups and we only had about
2 20,000 in the mailing list.

3 Q. And on the mailing list you had no way of
4 knowing which of those people would qualify as
5 members or not members; is that correct?

6 A. That's correct.

7 Q. Can you tell me which of these survey
8 questions were designed to elicit information on the
9 direction that OutServe should follow?

10 A. So question 9, what are our strengths, we
11 asked this question so we could see what the
12 membership liked about what we do so we can continue
13 doing that.

14 Question 11 where we asked them what they
15 thought future considerations for the organization
16 would be.

17 MR. PERKOWSKI: I'm just laughing at some
18 of the written responses. Kind of funny.

19 THE WITNESS: Question 12, we asked them
20 specifically to put in their words what would help us
21 continue to be a strong and viable organization.

22 Did you want me to go through and point

1 out all of them, by the way?

2 BY MS. CUTRI-KOHART:

3 Q. Yes.

4 A. Okay.

5 MR. PERKOWSKI: Whoever -- we don't need
6 that recorded.

7 THE WITNESS: Question 13, what are our
8 obstacles and challenges.

9 BY MS. CUTRI-KOHART:

10 Q. You can go ahead and look through the rest
11 of the questions, but I think the rest have to do
12 with donations. Go ahead and take a quick look to
13 make sure you're not missing anything.

14 A. Thank you. I would consider 18, what
15 compels you to give to an organization, especially
16 the comments that indicated that they liked a
17 specific program. And that is it.

18 Q. How were these survey questions chosen?

19 A. There was a team that came together and
20 figured out what they wanted to know from the
21 membership. And they drafted a bunch of questions,
22 they were reviewed, and then the questions that they

1 deemed were duplicative or didn't get information
2 that they needed for the organization were removed.

3 Q. And the decision was made not to add any
4 demographic questions regarding HIV status?

5 A. Yes.

6 Q. And this was before OutServe took on HIV
7 advocacy, correct?

8 A. That's correct.

9 Q. And there was no questions in this survey
10 regarding OutServe conducting impact litigation; is
11 that correct?

12 A. Correct.

13 Q. Why was the decision made not to ask any
14 questions regarding OutServe conducting litigation?

15 A. At that time we didn't have an in-house
16 legal counsel, so they were -- at that time, the
17 organization was really focused on programs for the
18 community that were not litigation intensive; so
19 adjudicative programs, for example, more advocative.
20 So that's why they focused the survey in that manner.

21 Q. And why did the survey not have any
22 questions on it regarding HIV status?

1 A. I'm not sure.

2 Q. Has OutServe conducted any more recent
3 survey than this?

4 A. We actually just launched one.

5 Q. And we'll get to that in a minute.

6 Between then and now, has OutServe conducted any
7 surveys like this?

8 A. No, they did not.

9 Q. How did OutServe use the -- this survey?

10 A. This survey was used by my predecessor
11 during his strategic -- oh, gosh, I can't think of
12 the word -- planning, sorry, when he was doing his
13 strategic planning to see what was of interest to the
14 membership and how we could move the organization
15 forward.

16 Q. And how did the results of this survey
17 influence his strategic planning?

18 A. Other than providing insight into what was
19 important to the membership, that's all.

20 Q. And did the executive director take into
21 consideration that a large number of the percentage
22 of the survey participants had no military experience

1 Q. So did you ask directly what the community
2 needed?

3 A. Not through this survey, no.

4 Q. In any other way?

5 A. Yes. I host monthly -- I call them family
6 meetings, virtual family meetings where I talk about
7 our initiatives and invite feedback, questions. I
8 get a lot of feedback in that manner.

9 We also get a lot of posts on our Facebook
10 pages about what members think we should and should
11 not be doing, so we get feedback through that manner.
12 People will reach out to their chapter leaders and
13 provide feedback on what we should and should not be
14 doing, which then gets moved up the chain through my
15 operations managers up to me. And people also
16 contact the Military Advisory Council with info.

17 Q. Has OutServe changed its priorities or
18 programs as a result of your family meetings?

19 A. Yes. We did not know that caregivers were
20 such a big issue until people started asking for
21 support.

22 Q. And so what has OutServe done?

1 A. We're in the process right now of
2 developing a new program specifically for caregivers
3 focused on educating the service providers to make
4 sure that caregivers get the support that they need.
5 But also in honoring the caregivers, because the work
6 that they're doing is incredibly difficult and we
7 want to make sure that they know that they have a
8 community.

9 Q. With respect to feedback you have received
10 on Facebook, have -- has OutServe changed its
11 programs or priorities as a result of that feedback?

12 A. Yes. For our chapters we got a lot of
13 feedback indicating that the name chapter didn't
14 really give them the relevancy that they needed to
15 succeed within their area of operation, for example,
16 because people thought they were super low down on
17 the totem pole. So we changed what we call the
18 chapters and the titles for their leaders
19 specifically for that.

20 Q. What did you change them to?

21 A. Regional director.

22 Q. In terms of -- you said you have feedback

1 that filters up to you through the chapter leaders.
2 Have you changed your programs or priorities in any
3 way through that feedback?

4 A. Yes. Pride was not -- Pride is the June
5 celebration, the festivals and parades and stuff --
6 historically was not as large of a priority as it was
7 this year. And we learned that folks didn't feel
8 they had a space under this administration to be
9 openly LGBTQ and military veteran. So we instituted
10 a lot of programming last month in order to help
11 honor that specific identity.

12 Q. How about feedback that you've received
13 from the Military and Veterans Advisory Council.
14 Have you changed any programs or projects as a result
15 of that feedback?

16 A. So I use them mostly to advise on projects
17 that I'm currently working on. And I certainly
18 incorporate all of their feedback into what I'm
19 working on. For example, we stopped call it cultural
20 competency and now we call it cultural resiliency
21 because of them. We changed some of our marketing
22 because they echoed that it alienated a certain

1 aspect of our community, for example. Stuff like
2 that.

3 Q. Besides what we've just talked about,
4 there are any other instances in which you have
5 changed OutServe's programs or priorities as a result
6 of feedback?

7 A. No.

8 Q. Okay. Let's talk about your board of
9 directors. If you want to go back to your
10 declaration, which is Exhibit 3, paragraph 20. It
11 starts on page 8 and goes to page 9.

12 A. Thank you.

13 Q. In this paragraph you talk about the --
14 that OutServe does not have resources to conduct an
15 annual board election through its membership ranks;
16 is that correct?

17 A. Correct.

18 Q. Why is that?

19 A. We have -- we have so many members and, as
20 you've pointed out, we use Mailchimp in order to
21 disseminate a lot of that information. And right now
22 we don't have that broad database to differentiate

1 A. I'm actually not sure. She submitted her
2 resignation and left.

3 Q. Are any of the people on the board of
4 directors active in any of your chapters or forums?

5 A. Yes.

6 Q. Which ones?

7 A. Which chapters and forums or which
8 individuals?

9 Q. Which individuals?

10
11
12

13 Q. Were they active in the chapters and
14 forums before they joined the board?

15 A. Not all of them.

16 Q. Which ones were active before they joined
17 the board?

18
19

20 Q. And which ones were not active before they
21 joined the board?

22

1 Q. Have all your board of directors donated?

2 A. No.

3 Q. Which ones have not donated?

4 A. Oh, dear. Okay.

5 MR. PERKOWSKI: Would it be easier to say
6 which ones have donated?

7 BY MS. CUTRI-KOHART:

8 Q. Yes. Which ones have donated?

9 A. Thank you. [REDACTED] has donated.

10

11 and then -- [REDACTED] sorry, is -- okay. And then

12

13 Q. And have they all met -- the ones that
14 have donated, have they all met your require give get
15 requirement?

16 A. No.

17 Q. Which ones have met the give get
18 requirement?

19 A. [REDACTED] I believe that's
20 it.

21 (Witness confers with counsel.)

22 THE WITNESS: Oh, including in-kind

1 donations, excuse me. [REDACTED] as well.

2 BY MS. CUTRI-KOHART:

3 Q. Okay. These board members, did any of
4 them don't before they became a board member?

5 A. Yes.

6 Q. Which ones?

7 A. [REDACTED]

8 [REDACTED] Oh, and [REDACTED]

9 MR. PERKOWSKI: (Indicating.)

10 THE WITNESS: I know I went through that
11 quickly. Do you need me to say --

12 BY MS. CUTRI-KOHART:

13 Q. Nope. I'm good. And we have it on the
14 record.

15 Are all your board members subscribed to
16 your e-mail list?

17 A. Yes.

18 Q. Were they subscribed to your e-mail list
19 before they joined the board?

20 A. No.

21 Q. I don't need the names of the people that
22 weren't.

1 Have any of your board members accessed
2 your legal services?

3 A. Yes.

4 Q. Who?

5 A. I just wanted to make sure I could answer
6 that. Yes, [REDACTED] has accessed our legal
7 services.

8 Q. For what purpose?

9 A. [REDACTED] was passed over for a promotion and [REDACTED]
10 believed it was discrimination.

11 Q. Any other board members access your legal
12 services?

13 A. Not to my knowledge.

14 Q. Did OutServe end up representing [REDACTED]
15 [REDACTED] in any form of administrative hearing or
16 proceeding or write a letter on [REDACTED] behalf or
17 anything like that?

18 A. No.

19 Q. So it was advice only?

20 A. Yes, ma'am.

21 Q. Let's now talk about the Military Advisory
22 Committee. Can you tell me all the names by which

1 Q. When is the election going to be held?

2 A. It's a two-year term. So not this coming
3 October, but the following October.

4 Q. So in October of 2020 the co-chairs will
5 be elected --

6 A. Yes, ma'am.

7 Q. -- by the other members of the MAC?

8 A. Yes.

9 Q. Will the MAC members still be selected by
10 you?

11 A. No. It'll be a nomination process similar
12 to the board of directors where people can
13 self-submit their names or members can nominate other
14 members.

15 Q. And then who would select from the
16 nominations?

17 A. The nominations committee of the board.

18 Q. So the board will select the members of
19 the MAC?

20 A. Yes.

21 Q. Besides the MAC co-chairs participating in
22 the board meeting, does feedback go from the MAC to

1 the board in any other way?

2 A. Through myself.

3 Q. And so a Mac member might tell you
4 something verbally?

5 A. Usually over the phone.

6 Q. Do they ever e-mail you?

7 A. Sometimes, yes.

8 Q. And then you would pass that feedback to
9 the board?

10 A. Through my chairs.

11 Q. Sorry?

12 A. Through my board chairs.

13 Q. Through your board chairs. Would you ever
14 forward an e-mail?

15 A. I don't think I have before. I've usually
16 just taken the feedback and incorporated into an
17 e-mail I'm already sending.

18 Q. Okay. Is there any other way the MAC
19 would provide any form of documentation regarding the
20 recommendations?

21 A. No.

22 Q. I have the MAC membership list here. I

1 think it's Exhibit 6.

2 (Blevins Exhibit No. 6 was marked for
3 identification.)

4 BY MS. CUTRI-KOHART:

5 Q. This was the list that we got back in
6 February. Are there new members of the MAC?

7 A. Is this post-merger with AMPA or --

8 Q. This is pre-merger with AMPA.

9 A. Pre-merger, no.

10 Q. But you have had some new members join
11 after the merger?

12 A. Yes, ma'am.

13 Q. How many people?

14 A. One.

15 Q. Who is that?

16 A. Her name is Emma Shinn.

17 Q. And she is a member of AMPA, but wouldn't
18 qualify as a member of OutServe?

19 A. No, ma'am. She -- we had an opening
20 because Ashley Broadway-Mack became the chair of my
21 board. So Emma Shinn was a recommendation from her
22 colleagues on MAC.

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[REDACTED]

Q. Of the members of your -- of the members of the MAC -- we'll just call it that for now -- how many of these people have donated to OutServe?

A. Ooh. Do you want me to list their last names again or just count?

Q. You can just count.

A. Including the ex officio members, 18.

Q. Are any of them donations over \$1,000?

A. Is that a onetime donation or the aggregate over a year?

Q. Aggregate over a year.

A. Yes.

Q. How many?

A. One.

Q. Who is that?

A. [REDACTED]

Q. Any of the members of your board, are they members of your Facebook chapters or forums -- of the

1 A. We've had folks come to us for family law
2 issues that we just -- we don't have family law
3 attorneys on staff, so we recommend they go somewhere
4 that has that experience.

5 Q. Have you ever turned away a case due to
6 lack of resources?

7 A. We've -- we have turned away cases, but
8 when we do, we hook them up with a community member.

9 Q. How many cases have you turned away for
10 lack of resources?

11 A. I'm not sure.

12 Q. Did your mergers -- you've had several
13 mergers since 2015. Have they expanded your capacity
14 to provide legal services?

15 A. No.

16 Q. Do you expect your current merger to
17 expand your capacity to provide legal services?

18 A. No.

19 Q. Have you discontinued any policy
20 initiatives since the Harrison case was filed?

21 A. We haven't discontinued them, but we were
22 less successful and have decided not to pursue them

1 again in the meantime.

2 Q. Which programs?

3 A. We -- trying to do reform for the Boards
4 of Corrections, for example.

5 Q. And why did you discontinue that?

6 A. We just don't have the capacity to go
7 after it again.

8 Q. Can you explain more what that program
9 was?

10 A. So this was a policy initiative, so we
11 were working with Congress to try and expand
12 resources for the Boards of Corrections and provide
13 training for the LGBTQ and HIV-positive community
14 specifically, and we were not successful in getting
15 that passed through the 115th Congress and we decided
16 not to explore it in the 116th Congress.

17 Q. And you said part of the reason is that
18 you didn't have the capacity to do it for the 116th
19 Congress. Was any of that related to your HIV
20 litigation now?

21 A. Yes.

22 Q. How so?

1 A. Mr. Perkowski is both my legal and my
2 policy director and he's spending more time on
3 HIV-related issues. So I can't use him for policy
4 related issues.

5 Q. Would you say it's more a resource issue
6 or more that it was unsuccessful in the last Congress
7 and not likely to be successful in this Congress?

8 A. It's a resource issue.

9 Q. Let's talk about how the Harrison and Roe
10 cases are funded. Both of these cases are funded
11 with pro bono legal services; is that correct?

12 A. Correct.

13 Q. In terms of dollars, it's substantially
14 more, correct, than your cost for Mr. Perkowski
15 that's being donated in terms of pro bono services?

16 A. Yes.

17 Q. How much would you estimate in donated
18 services have you received for the Harrison and Roe
19 cases?

20 A. I'm not sure.

21 Q. But that would be in your financial
22 statements, right?

1 hours on HIV matters in the first half of
2 Exhibit 2 -- first half of 2017; is that correct?

3 A. Yes.

4 Q. What's the basis for this hour count used
5 in your interrogatory response?

6 A. Mr. Perkowski's invoices and his
7 recollection.

8 Q. And it says that these hours were mostly
9 spent on two matters. The first one a soldier facing
10 administrative separation because of HIV, was that
11 soldier asymptomatic and controlled?

12 A. I'm not sure.

13 Q. Do you know what service that soldier was
14 in?

15 A. Likely the Army by the word "soldier," but
16 I'm not positive.

17 Q. And why was he being administratively
18 separated?

19 A. I'm not sure.

20 Q. Was it one of the policies you were
21 challenging under Roe or Harrison that was resulting
22 in his separation?

1 A. I'm not sure.

2 Q. And the second case has to do with a
3 court-martial; is that correct?

4 A. Yes.

5 Q. Can you describe generally this case?

6 A. No.

7 Q. But the court-martial policy is not
8 related to a policy you're challenging in either Roe
9 or Harrison; is that correct?

10 A. I don't believe so.

11 Q. Let's now talk about the second half of
12 the year where only 20 hours were approximately
13 expended on HIV-related matters; is that correct?

14 A. Yes.

15 Q. And of those, only 11 of those hours
16 related to the denial of commission -- or
17 restrictions on commissioning; is that correct?

18 A. Correct.

19 Q. What do you mean by "restrictions on
20 commissioning"?

21 A. I'm not sure.

22 Q. Were these 11 hours primarily spent on

1 policies?

2 A. No.

3 Q. Now turning to your declaration, you talk
4 about scarcity of resources.

5 A. Yes.

6 Q. Can you define what you mean by "scarcity
7 of resources"?

8 A. So the availability of time resources with
9 my staff and monetary resources with my budget.

10 Q. You also talk about difficult choices in
11 terms of prioritizing clients, programs and services.
12 Can you describe some difficult choices you have made
13 in 2019?

14 A. In 2019? Yes. We had to -- the aging
15 veteran population, a lot of them don't receive their
16 access to benefits and don't get, like, health and
17 retirement and internment benefits because of their
18 discharge upgrades. And we've had to delay
19 prioritizing that program because of other matters
20 that have been brought forward.

21 Q. And by "other matters," what other
22 matters?

1 A. So both HIV and the trans litigation.

2 Q. Transgender litigation?

3 A. Transgender, yes.

4 Q. In 2018, what difficult choices did you
5 make?

6 A. In 2018, we had to push back Freedom to
7 Serve supplements, which is a program -- an education
8 program we have. I think here -- we also had to
9 delay our organizational magazine, and then the
10 regional director's toolbox is to be delayed as well.

11 Q. So you're talking about the list of things
12 you delayed on page 9 of Exhibit 2?

13 A. Nine through 10, yes.

14 Q. Nine through 10 of Exhibit 2. What were
15 the reasons for these choices? Why did you
16 de-prioritize these things?

17 A. Again, the lack of both monetary and time
18 resources.

19 Q. Why did you decide these projects were
20 less important than your other projects?

21 A. I wouldn't say less important. I would
22 say the HIV-related issues needed to be addressed

1 first.

2 Q. Why?

3 A. The issues that are -- that folks living
4 with HIV are facing, nobody else, again, is focused
5 on this issue, so nobody else can assist them. And
6 they're -- I mean, their livelihood and their service
7 is on the chopping block.

8 Q. So are any of the things you delayed,
9 would you consider them more or less important to
10 your organization than HIV services?

11 A. You use the word "importance" a lot. I
12 don't use that. I am focused on expediency; what can
13 I do to make the most impact right now. All of
14 these -- anything that I do for my members has
15 basically the same level of importance because I'm
16 here to serve them. And I just want to make that
17 very clear.

18 I'm getting incredibly emotional right now
19 because I feel like you're -- you're attacking the
20 work that we're trying to do to make a difference in
21 our community, and that is not fair.

22 Q. So would you say that you're prioritizing

1 work based on what criteria?

2 A. What is the largest harm that is going to
3 hit my members first. What can I make the biggest
4 impact on.

5 Q. And do you think impact litigation
6 regarding HIV makes a bigger impact than, say, the
7 Freedom to Serve publication?

8 A. I do.

9 Q. Or the organizational magazine?

10 A. Yes.

11 Q. Or regional director's toolbox?

12 A. Yes.

13 Q. On paragraph 17 of your declaration, you
14 talk about prioritizing -- you get calls from service
15 members and you have to prioritize them over other
16 programs or services or sometimes over other clients.

17 What do you mean by prioritizing some
18 calls you receive from service members over other
19 clients?

20 A. Sure. So during this triage process,
21 there are some folks that call in and the immediacy
22 of the harm that they're facing is less than another

1 individual's. For example, an individual whose
2 service is on the chopping block and an individual
3 who is trying to upgrade their discharge, I would
4 prioritize the individual whose service is on the
5 chopping block.

6 Q. So when you make that priority decision,
7 is it because delaying service to another client has
8 no real harm, it will eventually get taken care of?

9 A. No, I wouldn't say that. I would say the
10 harm is not as immediate, though.

11 Q. How many times in 2019 have you had to
12 prioritize one client over another client?

13 A. I'm actually not sure.

14 Q. Would you say you do it regularly?

15 A. I would say it happens enough that it's
16 become an issue and it causes harm to the
17 organization as a result.

18 Q. And do you always prioritize HIV clients
19 over your other clients?

20 A. Yes.

21 Q. Why is that?

22 A. Because the harm they're experiencing is

1 much more immediate, and Mr. Perkowski is the only
2 individual that's qualified on my team in order to
3 assist with those intakes.

4 Q. So you prioritize HIV clients over
5 transgender clients?

6 A. In terms of the triage system, yes.

7 Q. Do you prioritize HIV clients over those
8 facing discipline under the military justice system?

9 A. It depends on the immediacy.

10 Q. So do you consider an HIV -- aspiring
11 soldier with HIV a higher priority than somebody
12 that's facing criminal charges?

13 A. No.

14 Q. So that would prioritize the criminal
15 charges over the aspiring service member.

16 A. Yes.

17 Q. Do you prioritize people seeking to be
18 retained higher than somebody who's seeking to access
19 or enter the military?

20 A. In terms of HIV, I prioritize retention
21 over accessions, yes.

22 Q. Do you prioritize any of your other

1 clients over HIV accessions?

2 MR. PERKOWSKI: Objection. Confusing.

3 THE WITNESS: Can you say it one more
4 time?

5 BY MS. CUTRI-KOHART:

6 Q. Where does accessions into the military
7 fall under your priority list?

8 A. For HIV?

9 Q. Yes, for HIV.

10 A. So I wouldn't say I exactly have a list.
11 It's more on a case-by-case basis. That's why we
12 have the triage system and we look at the immediacy.

13 Q. So since Mr. Perkowski's expertise is in
14 HIV-related matters, have you been able to redirect
15 your other staff and your pro bono services to do
16 non-HIV-related things --

17 A. Yes.

18 Q. -- to make up for it?

19 A. Sorry. Yes.

20 Q. And you do that regularly?

21 A. Yes.

22 Q. You also talk about, in your declaration,

1 I think in paragraph 19, about clients experiencing
2 delays. It's on page 8.

3 We talked before about how your average
4 response time has been sitting at around 72 hours.
5 Do you have any documentary evidence regarding the
6 delays that your clients are experiencing? Any
7 documentation of that?

8 A. I don't believe so other than what's
9 already been provided.

10 Q. And so what -- besides what's in your
11 quarterly reports about the 72-hour response times,
12 is there information about delays anywhere else?

13 A. No, I don't believe so.

14 Q. Let's turn to your, let's see, second
15 supplemental interrog responses. That is Exhibit --
16 back to Exhibit 2 on page 9. We just talked about
17 this a little bit and I want to talk in more detail.

18 You talk about HIV-related work that's
19 being done by your organization instead of your other
20 organizational priorities in the right-hand column of
21 this table, correct?

22 A. Yes.

1 Q. What type of advocacy has OutServe been
2 doing regarding the retention policy or DODI 1332.45?

3 THE WITNESS: Can I answer that?

4 MR. PERKOWSKI: Yeah.

5 THE WITNESS: Okay. So we've been working
6 with members of Congress to figure out how exactly
7 this policy is being used and how it's affecting
8 members that are living with HIV.

9 BY MS. CUTRI-KOHART:

10 Q. And how long have you been doing that for?

11 A. Since this congressional session started.
12 Since the beginning of the 116th.

13 Q. And who does that work?

14 A. I do.

15 Q. Just you?

16 A. I have folks that assist me. Occasionally
17 Mr. Perkowski assists me, and then other members of
18 my staff assist.

19 Q. How much time is being spent on that work?

20 A. I can speak to my own hours. I'm not sure
21 for the hours of my staff.

22 Q. And go ahead and answer.

1 A. I spend about 25 percent of my time
2 advocating for HIV on the Hill.

3 Q. And the members of your staff, do you
4 think they spend a similar amount of time or more or
5 less than you do?

6 A. A little less.

7 Q. Why did you decide to spend more time on
8 this advocacy effort than on the other projects that
9 you have delayed for it?

10 A. On the Hill advocating?

11 Q. Mm-hmm.

12 A. I viewed this as an opportunity for us to
13 change the conversation and the narrative with the
14 larger -- with our Legislative Branch so they can
15 assist in figuring out what exactly is happening
16 around our service members that are living with HIV.
17 And I -- when I was doing my strategy session, I
18 deemed that this -- sorry, I deemed that this would
19 have the most impact for my members.

20 Q. And then what type of advocacy has
21 OutServe been doing regarding the Department of
22 Defense instructions regarding accessions for people

1 with HIV?

2 A. So I'm not sure I understand the question.
3 How we've been advocating with the Pentagon?

4 Q. All of your policy and advocacy efforts;
5 Pentagon, Congress, public, anything regarding the
6 military's accessions policies.

7 A. So we've been doing inquiries into why the
8 accessions -- like the science that's being used for
9 the accessions policy and inquiring as to why those
10 haven't been updated. We've also been doing a lot of
11 adjudicative work with the members because a lot of
12 folks are not as up to date on HIV regulations as
13 they should be.

14 Q. Why did OutServe choose to begin doing
15 accessions-related work?

16 A. Because we saw the need within our
17 membership.

18 Q. And who does that work?

19 A. I do. A few members of my advisory
20 council do.

21 Q. How much time is spent in OutServe on
22 accessions-related work?

1 A. Less time than the retention policy. Most
2 of it, again, is myself. I would anticipate a little
3 less than 25 percent of my time.

4 Q. Let's talk about HIV decriminalization.
5 We've talked about this before, but is this related
6 to any of the policies challenged in Roe?

7 A. No.

8 Q. Is this related to any of the policies
9 challenged in Harrison?

10 A. No.

11 Q. Why have you decided to spend more time on
12 HIV decriminalization than the other matters that
13 you've delayed or deferred?

14 A. Because we've seen some of our members
15 inappropriately targeted through harassment and
16 discrimination based on their sero status. And we've
17 deemed as an organization that's not just and they
18 need assistance.

19 Q. Now let's talk about -- oh, how much time
20 do you spend on -- does OutServe as an organization
21 spend on HIV decriminalization?

22 A. That information would be in

1 speaks for itself.

2 BY MS. CUTRI-KOHART:

3 Q. Let's just go back. So moving on from the
4 Air Force pilot, you also talk about general
5 HIV-related advocacy in this table and then going
6 onto the next page there are several bullets.

7 How much time regarding educating and
8 interacting with members of Congress is spent
9 discussing the policy challenged in Roe -- or
10 policies challenged in Roe?

11 A. The majority of the time I'm speaking with
12 Congress we're speaking about accessions and
13 retention.

14 Q. So how much time is that approximately?

15 A. For just accessions?

16 Q. Just accessions.

17 A. I'd say, like, 40 percent for just
18 accessions.

19 Q. And then how much would be just retention?

20 A. Forty percent.

21 Q. And then what are the other areas you talk
22 to Congress about?

1 A. The way the -- these impact our veterans.
2 About 20 percent.

3 Q. And then how much time is spent
4 strategizing legislative responses and initiatives
5 regarding HIV military policies? The second bullet
6 here.

7 A. Just to be clear, is this internally, like
8 with my organization or on Capitol Hill?

9 Q. Well, what do you mean by this bullet in
10 your interrogatory response?

11 A. So I meant this to mean strategizing those
12 responses internally.

13 Q. Okay. So how much time do you spend
14 internally strategizing those responses?

15 A. I'm not sure the number of hours.

16 Q. Who primarily does that work?

17 A. I do.

18 Q. Can you estimate a percentage of your time
19 that's spent doing that work?

20 A. Sure. I'd say probably 12 to 15 hours a
21 month.

22 Q. And then in terms of conducting research

1 for or answering questions by members of Congress,
2 how much time is spent in your organization doing
3 that?

4 A. Ten to 15 hours a month.

5 Q. And it looks like there are three topics
6 that you have done research and answered questions
7 for. Are those three topics the only topics?

8 A. Yes.

9 Q. So no questions on accessions, then?

10 A. We have not provided research on
11 accessions to Congress, no.

12 Q. How much of the time is spent regarding
13 access to PrEP versus the other two topics, which are
14 the retention for determinations for non-deployable
15 service members and other deployability standards?

16 A. I'm not sure of the percentages.

17 Q. Who primarily does that work?

18 A. Our interns.

19 Q. Can you give an estimate of how much of
20 their time they spend doing that?

21 A. No.

22 Q. Why have you decided to prioritize that

1 work over the other organizational projects?

2 A. The research for Congress?

3 Q. Mm-hmm.

4 A. Because it would have the most immediate
5 impact on our membership.

6 Q. And is it the same answer for the reason
7 you've prioritized the other interactions with
8 Congress?

9 A. Yes.

10 Q. Now let's talk about the programs and
11 projects that you claim are delayed. The first one
12 is the organizational magazine. Where can we find
13 the documentary evidence about your plan to create an
14 online magazine?

15 A. I don't think I ever said there was
16 documentary evidence.

17 Q. So is there any evidence?

18 MR. PERKOWSKI: Besides this interrogatory
19 response?

20 BY MS. CUTRI-KOHART:

21 Q. Besides this interrogatory response, is
22 there any documentational evidence that you planned

1 Q. When did you decide that you wanted to
2 start this in 2018 quarter 3?

3 A. When I was hired on in October of 2018, I
4 indicated to the board that I wanted to revitalize
5 the organizational magazine, which existed from 2010
6 through about 2012.

7 Q. And did you primary delay this because you
8 felt this would have less impact than your
9 HIV-related work on the right-hand side?

10 A. No, I delayed it because of time
11 resources. It was just too difficult to create the
12 infrastructure when there was so much work to be done
13 for our HIV clients.

14 Q. Were there other clients besides HIV that
15 were taking your time away from doing the
16 organizational magazine?

17 A. Yes.

18 Q. What clients were those?

19 A. Discharge upgrade clients, trans clients,
20 veterans benefits.

21 Q. So in general, you've prioritized legal
22 services over this project?

1 cases?

2 A. Yes.

3 Q. Okay. On the last kind of section in this
4 table on page 10 there's other advocacy efforts. The
5 military sexual trauma advocacy efforts, what is
6 that?

7 A. So individuals that experience sexual
8 harassment, discrimination or rape while in the
9 military, assisting them.

10 Q. What type of assistance?

11 A. So a lot of them, in order to deal with
12 their trauma, engaged in activities that were then
13 criminalized and it affected their discharges. So
14 now they are no longer able to avail themselves to
15 the benefits that they deserve. Additionally, they
16 don't receive the support they need as a survivor of
17 a violent sexual act.

18 Q. Where were your plans to engage in this
19 effort documented?

20 A. It does not look like they were documented
21 in our end-of-year reports.

22 Q. Would they be documented anywhere else?

1 A. Only through verbal conversations.

2 Q. And why did you decide to de-prioritize
3 this effort?

4 A. We didn't have the time.

5 Q. Because of your other legal clients, your
6 other advocacy, your other education?

7 A. Because of other legal and advocacy
8 efforts.

9 Q. Both HIV and non-HIV efforts?

10 A. Correct.

11 Q. Are there any other organizations that can
12 do that work?

13 A. Military sexual trauma?

14 Q. Mm-hmm.

15 A. Yes. Not specifically for the LGBT
16 community.

17 Q. But generally?

18 A. Generally, yes.

19 Q. Let's talk about access to veterans
20 benefits. What does this program mean?

21 A. So folks that were discharged under the
22 "don't ask, don't tell" and similar policies have

1 marks on their DD214, which I mentioned earlier, that
2 prevent them from accessing specific benefits.

3 Q. How is this different than the discharge
4 upgrade work you do?

5 A. So there are folks that were discharged --
6 so that's a good question. So there's the folks that
7 need the discharge upgrade and that affects
8 specifically the characterization of service. But in
9 order to access veterans benefits, you need both the
10 characterization of service and the time in service.

11 There's a few folks that their discharge
12 wasn't -- the boards are just not upgrading it
13 inappropriately. So we've been working with
14 state-specific agencies in order to make sure they're
15 availed to those benefits. And we've also been
16 looking at ways for the time-in-service requirement
17 loophole.

18 Q. So you are actually doing some of this
19 work already?

20 A. No, it's been delayed. That's what we
21 plan on doing.

22 Q. And are your plans to do this documented

1 anywhere?

2 A. No, they are not included in the
3 end-of-year reports.

4 Q. And would they be documented anywhere
5 else?

6 A. No, just in verbal conversations.

7 Q. And the reason you decided to
8 de-prioritize this?

9 A. This was a difficult decision for me. We
10 just -- there were so many folks that were coming to
11 us with their service that was already on the
12 chopping block. I just prioritized those clients.

13 Q. And so you prioritized legal service
14 clients in general, both HIV and other?

15 A. Yes.

16 Q. Such as transgender clients, for instance?

17 A. Yes.

18 Q. Okay. The last one is the spouse tax.
19 What does that mean?

20 A. So individuals that their spouse -- so
21 they're the spouse of an actively serving member or a
22 retired member, when that individual dies, they

1 receive compensation for the rest of their life and
2 they're getting taxed on that inappropriately. So
3 they're actually receiving less than they should.

4 Q. And why did you decide to delay that?

5 A. We didn't have the time to get -- we
6 didn't have human capital time resources.

7 Q. Who would be the person responsible for
8 working on that effort?

9 A. Myself and Peter Perkowski.

10 Q. And there's nobody else available to work
11 on it?

12 A. No. Again, Mr. Perkowski is the only
13 barred attorney and I'm the only one with specific
14 Hill experience. So that's not something that we
15 could delegate to an intern.

16 Q. And you de-prioritized it in exchange for
17 legal services?

18 A. Yes.

19 Q. All legal services or HIV services in
20 specific?

21 A. So I de-prioritized it for myself for the
22 HIV work that I was doing on the Hill because I

1 didn't have the capacity to add that to my docket.

2 And then for Mr. Perkowski it was de-prioritized for
3 all legal services.

4 Q. So do you think the HIV services on the
5 Hill you were providing had a bigger impact than
6 doing this?

7 A. Yes.

8 Q. Okay. So in a couple of places in your
9 declaration, which is Exhibit -- I think I remember
10 this -- Exhibit 3 and also in your interrogatory
11 responses you talk about an HIV 101 educational
12 program?

13 A. Yes.

14 Q. Can you describe what that is?

15 A. So it's -- 3 you said?

16 Q. Yeah. It's in paragraph 18B on Exhibit 3.

17 A. Perfect. So the HIV 101 program is a
18 cultural competency program for folks that assist
19 folks that are living with HIV to make sure that they
20 have all the knowledge they need to be as effective
21 and efficient as possible.

22 Q. And is this project the responsibility of

1 your legal staff?

2 A. This project is the responsibility of my
3 advocacy staff and that includes my policy folks,
4 yes.

5 Q. So who would that include? Who would be
6 responsible for HIV 101?

7 A. Mr. Perkowski. He -- he's the only one
8 with that experience in the HIV realm.

9 Q. And nobody else?

10 A. I would not trust anybody else absent that
11 specific experience to create this training.

12 Q. Is this training required being a barred
13 attorney to do?

14 A. No.

15 Q. Was this project mentioned in any of your
16 end-of-year legal reports?

17 A. In 2019, section 7, the second bullet
18 point from the bottom, "Continue the development of
19 our internal knowledge repository and training
20 platforms. This project will increase productivity,
21 reduce response time and ensure continuity."

22 Q. Which one is that in?

1 A. Exhibit 17.

2 Q. The 2018?

3 A. Yes, page 7. And then in 2017 -- it was
4 not mentioned in 2017. Yes.

5 Q. So was the project contemplated in 2018?

6 A. Sorry?

7 Q. When was the idea for the project, the HIV
8 101 project, formed? When did OutServe come up with
9 the idea?

10 A. When we realized that we were the subject
11 matter experts and we needed folks' assistance.
12 That's in one of the interrogatories.

13 Q. I think if you look at your
14 interrogatories, page 12.

15 A. February 2019.

16 Q. So this was after you entered the Harrison
17 suit?

18 A. Yes.

19 Q. And after you entered the Roe suit?

20 A. Yes.

21 Q. When you conceived of this project, what
22 was the schedule to do it for?

1 A. I was hoping to get it out as quickly as
2 possible.

3 Q. But when you came up with the schedule,
4 you would have taken the Harrison and Roe suits into
5 consideration, correct?

6 A. Yes.

7 Q. In your declaration and also in here, you
8 talk about an education program for the Marine Corps
9 Defense Services Organization west region, correct?

10 A. Yes.

11 Q. Can you describe what this is?

12 A. So Mr. Perkowski was invited to go and
13 train -- I'm sorry, Exhibit 8; is that right?

14 Q. It's in your declaration in Exhibit 3,
15 paragraph 18C.

16 A. Yeah, I see that.

17 Q. And I believe it's also in the
18 interrogatory response under JAG training.

19 A. What page is that?

20 Q. Page 12.

21 A. Thank you.

22 Q. In this table here.

1 A. Twelve. Okay. Can you repeat the
2 question, please?

3 Q. Can you describe what you mean by the
4 Marine Corps Defense Services Organization west
5 region training, which I believe you refer to as JAG
6 training?

7 A. Yes. So JAGs are the military lawyers,
8 and Mr. Perkowski was invited to train them on LGBT
9 and HIV-positive-specific cultural conflicts.

10 Q. Why was this project not included in your
11 end-of-year reports? Or was it included and I just
12 missed it?

13 A. So this isn't a project. This was an
14 invitation. I just wanted to point that out. And
15 I'm not sure why it was not included in the 2018
16 end-of-year report.

17 Q. Why did -- why was this de-prioritized
18 compared to other work?

19 A. Because there was not enough time for
20 Mr. Perkowski to build up the training for the JAG
21 corps or to travel to give it.

22 Q. And was that determination to

1 de-prioritize it made when the request came in in
2 October 2018 or was the decision made later?

3 A. It was made later.

4 Q. When was it made?

5 A. I don't recall when it was made.

6 Q. What is the plan for completing this
7 project -- or this invitation?

8 A. I'm not sure. It's been de-prioritized
9 because of the HIV matters.

10 Q. Just the HIV matters?

11 A. In this instance, yes.

12 Q. Are there any other people at OutServe who
13 could prepare some of this training?

14 A. No. They would need to be a barred
15 attorney.

16 Q. Could any of your pro bono partners
17 prepare some of this training?

18 A. Likely not. We are the subject matter
19 experts. So we would need to train them in order to
20 do the training and it's just too much time
21 intensive.

22 Q. You've mentioned multiple time now about

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EXHIBIT E

*OutServe-SLDN Military Advisory Council
Mission and Responsibilities*

OutServe-SLDN Military Advisory Council

MISSION AND RESPONSIBILITIES

1. **Statement of Purpose:** The mission of the OutServe-SLDN (Servicemembers Legal Defense Network) Military Advisory Council (MAC) is to support and advise the work of the Board and staff of OutServe-SLDN on the basis of the wisdom and experience gained during distinguished military careers as actively-serving servicemembers, veterans, and spouses. The Advisory Council does not decide policy, appoint staff, or manage OutServe-SLDN resources.

2. **Basic Duties:** By joining the Advisory Council, an individual agrees to allow the use of their name in support of OutServe-SLDN. In addition, members of the Advisory Council also agree to participate in one or more of the voluntary activities listed in subparagraphs A through E of the next paragraph.

3. **Voluntary Activities:** Advisory Council members are encouraged to participate in the following activities to the extent consistent with their personal circumstances:

A. **Advice and Counsel.** Provide expert advice to OutServe-SLDN's Board and staff by:

- Participating in regularly scheduled OutServe-SLDN events.
- Bringing news developments and other events that are pertinent to OutServe-SLDN's work to the attention of OutServe-SLDN's staff.
- Participating in online and telephonic discussions with other MAC members.
- Assisting in program evaluation when asked to do so by the Executive Director.
- Assisting in determining the need for new programs.

- Providing technical assistance on matters outside OutServe-SLDN's core competencies.
- Acting as a conduit for information from various constituencies to the OutServe-SLDN Board and staff.

B. Advocacy. When asked to do so by the Board, speak out on behalf of OutServe-SLDN in their communities by:

- Building local grassroots support for OutServe-SLDN's goals.
- Helping OutServe-SLDN to hear and respond to community concerns.
- Speaking to local community, military community, and media representatives, and members of Congress and their staffs.
- Assisting OutServe-SLDN public relations through linkage with civic, business, and other community representatives.
- Helping mobilize the local community, including community leadership, for activities and initiatives sponsored by OutServe-SLDN.
- Acting as a conduit for information from OutServe-SLDN to potential clients, donors, other agencies, community groups and the general public.

C. Fund Raising. Assist the staff in raising funds to support OutServe-SLDN goals by:

- Encouraging others to contribute to OutServe-SLDN.

D. Reserve Force. Supplement OutServe-SLDN's personnel resources by:

- Assisting with events such as OutServe-SLDN's annual dinner and lobby day.
- Providing a talent pool from which to draw future governing board members and program volunteers.

E. **Recruitment.** Recruiting other individuals who are willing to join the OutServe-SLDN team by:

- Nominating Advisory Council and Board candidates.
- Bringing talented prospective full-time employees and student interns to the attention of staff.

F. **Other.** The Advisory Council shall regularly assess its own performance. In addition, it may perform other duties by agreement with the OutServe-SLDN Governing Board and the Executive Director.

4. **Membership:** The Advisory Council shall be composed of distinguished officer and enlisted personnel with extensive military experience, senior former cabinet-level and assistant-secretary level officials of the Department of Defense and intelligence services, distinguished military and veteran spouses, and other distinguished military individuals by special invitation of the Council.

5. **Selection:** Advisory Council members are selected by a Nominating Committee, which reviews nominations and recommends qualified individuals for approval by a majority vote of the Council, and thereafter by a majority vote of the OutServe-SLDN board.

6. **Diversity:** The Advisory Council maintains a strong commitment to diversity in all of its activities. It seeks balanced representation from all branches of service and from a variety of military occupational specialties. It encourages enlisted as well as officer membership. In particular, membership on the Council is open to all qualified individuals without regard to race, gender, sexual orientation, or gender identity.

7. **Membership Categories.** The membership of the Advisory Council shall be divided into Active and Associate components, as follows:

Active Members

Active Advisory Council members pledge to devote five or more hours per month, on a regular basis, to serving OutServe-SLDN goals.

Associate Members

Associate Advisory Council members lend their names to OutServe-SLDN and support it financially, but devote less than five hours per week, on a regular basis, to serving OutServe-SLDN goals.

At the call of the co-chairs, active members of the Advisory Council shall meet by conference call in the intervals between Governing Board meetings.

Newly appointed active members of the Advisory Council are expected to serve for at least three years, to attend at least one Governing Board meeting in their first year of MAC membership and to participate regularly in MAC conference calls.

Returning MAC members and others in special circumstances may join the MAC as associate members.

Advisory Council members shall be polled once each year to ascertain whether an individual member pledges to serve actively, or wishes to become an Associate member.

8. **Confidentiality:** Due to the sensitivity of the issues addressed by OutServe-SLDN, Advisory Council members may be party to highly privileged information which they are duty bound to keep confidential.

9. **Loyalty:** Advisory Council members give their own personal and community sanction to OutServe-SLDN. They must have a strong identification with OutServe-SLDN and a commitment to its strategy and leadership. However, this duty of loyalty to OutServe-SLDN in no way precludes Advisory Council members from joining and supporting other political or social organizations.

10. **Support:** To the extent consistent with their other duties, OutServe-SLDN staff shall assist the officers and members of the Advisory Council in

the performance of their duties. In addition, if resources permit, OutServe-SLDN shall provide assistance from time to time to facilitate the growth of Advisory Council membership and assist the work of its volunteers.

11. Leadership; Committees. The Advisory Council shall be led by two co-chairs, who shall be members of the Active Component of the Advisory Council. Both enlisted and officer personnel are eligible to be co-chairs. The co-chairs may appoint special committees of not more than five individuals to assist them.

Every active member of the Advisory Council should participate in the work of at least one Advisory Council committee. Associate members may also participate in committee work with the agreement of the Chair of the relevant committee.

The chair of each Advisory Council committee shall coordinate the work of his or her committee with those Governing Board committees and OutServe-SLDN staff members working in the same subject area.

12. Voting. All Advisory Council members shall have the right to vote on issues coming before the Council. Votes may be taken by electronic means or in person at periodic Advisory Council meetings. Decisions on nominations and other matters shall be by a majority of those voting.

If a decision is approved by a plurality rather than a majority of the active members of the Council, either MAC co-chair may in their discretion call for a revote until a majority vote of the active membership is achieved.

13. Governing Board Attendance. The MAC co-chairs shall appoint a limited number of active MAC members to attend Governing Board meetings, not to exceed half the membership of the Governing Board.

Appendices:

Appendix 1. Application for membership in the SLDN Military Advisory Council.

Appendix 2. Guidelines for MAC attendance at SLDN Governing Board meetings.

Appendix 1

**APPLICATION FOR MEMBERSHIP ON THE
OUTSERVE-SLDN MILITARY ADVISORY COUNCIL**

NAME: _____

ADDRESS _____

PHONE _____

EMAIL _____

1. Why are you interested in serving on the Military Advisory Council (MAC) of OutServe-SLDN (Servicemembers Legal Defense Network)?
2. Do you have a connection to OutServe-SLDN (for example, are you a donor, volunteer, veteran, friend who was a client)?
3. How can you help OutServe-SLDN make a difference in the community? What skills do you bring to OutServe-SLDN?
4. What would you be interested in doing on behalf of OutServe-SLDN (check all that apply)?
 - _____ Attend OutServe-SLDN’s annual lobby day in Washington, DC?
 - _____ Build local grassroots awareness of OutServe-SLDN issues?
 - _____ Educate military leaders
 - _____ Build alliances with veterans services organizations
 - _____ Recruit others to join OutServe-SLDN’s Military Advisory Council
 - _____ Provide strategic guidance to the Board of Directors and staff
 - _____ Join OutServe-SLDN’s major donor program – the Patriot Circle
 - _____ Help OutServe-SLDN raise funds?
5. How much time can you give to OutServe-SLDN?
6. Would you be willing to make regular financial contributions to OutServe-SLDN?
7. What gains do you expect to receive from your service to the organization professionally, personally, and morally?
8. Are you applying for active or associate membership on the MAC? (See paragraph 7 of the MAC Statement of Mission and Responsibilities.)

Please attach a resume.

Appendix 2

GUIDELINES FOR MAC ATTENDANCE AT OUTSERVE-SLDN GOVERNING BOARD MEETINGS

This document provides guidance to active Military Advisory Council (MAC) members regarding their attendance at meetings of OutServe-SLDN's Governing Board.

1. The MAC co-chairs shall serve as ex-officio members of the Governing Board. The OutServe-SLDN Governing Board also customarily invites members of the active component of the MAC to attend meetings of the Governing Board and to participate in Board discussions, except for discussions that are conducted in executive session. However, attendance by MAC members at Governing Board meetings is a privilege not a right, and the Governing Board is the sole decision-maker regarding attendance questions, should they arise.

2. Active participation by MAC members in Governing Board discussions is expected and encouraged. However, MAC members should strive to keep their comments brief and to the point, and to focus particularly on the military aspects of issues coming before the meeting.

3. MAC members are not members of the Governing Board, and therefore must refrain from voting on any issues that are put to a vote during Governing Board meetings. The Governing Board bears sole fiduciary responsibility for all decisions of the organization, and voting is the means by which they carry out this responsibility.

4. MAC members pay their own transportation and lodging expenses in connection with attendance at Governing Board meetings. Because OutServe-SLDN is a recognized charity, transportation, lodging costs, and meeting contributions are generally deductible for tax purposes.

5. The husbands, wives, and partners of MAC members are encouraged to attend the social functions that are part of OutServe-SLDN Governing Board meetings, but should refrain from attending the meetings themselves unless invited to do so.

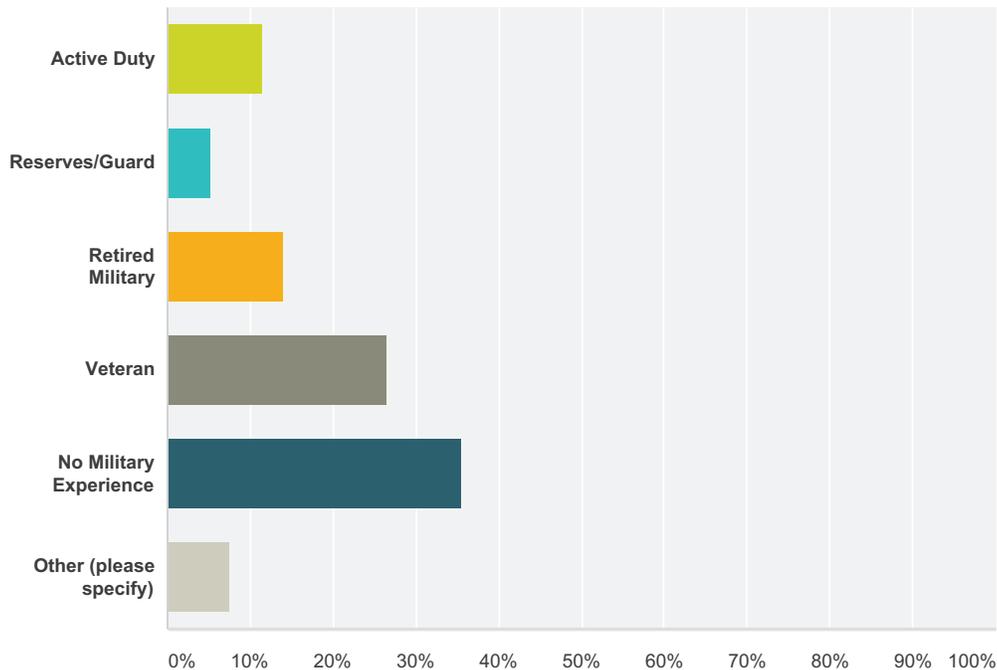
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EXHIBIT F

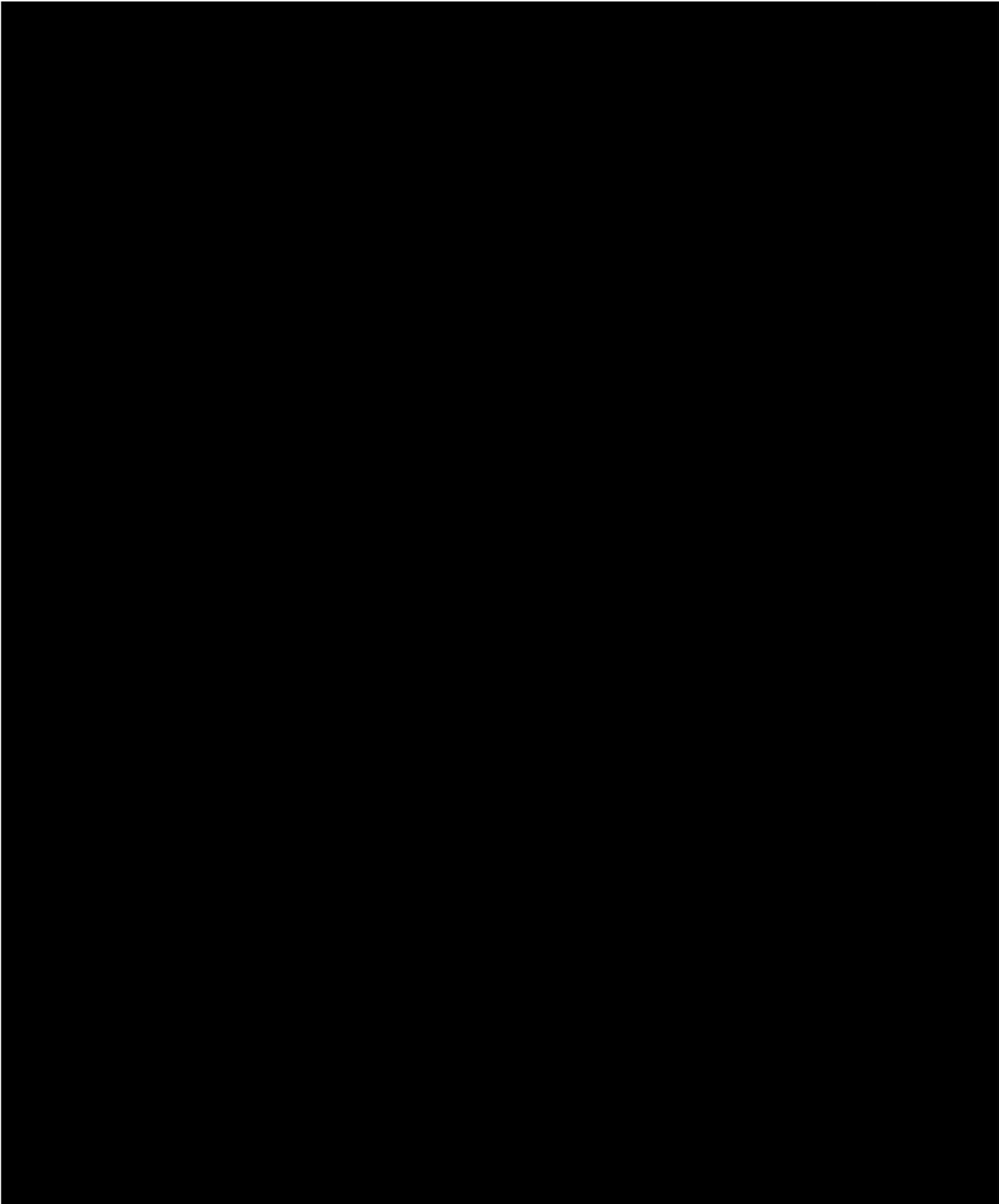
OutServe-SLDN 2014 Survey

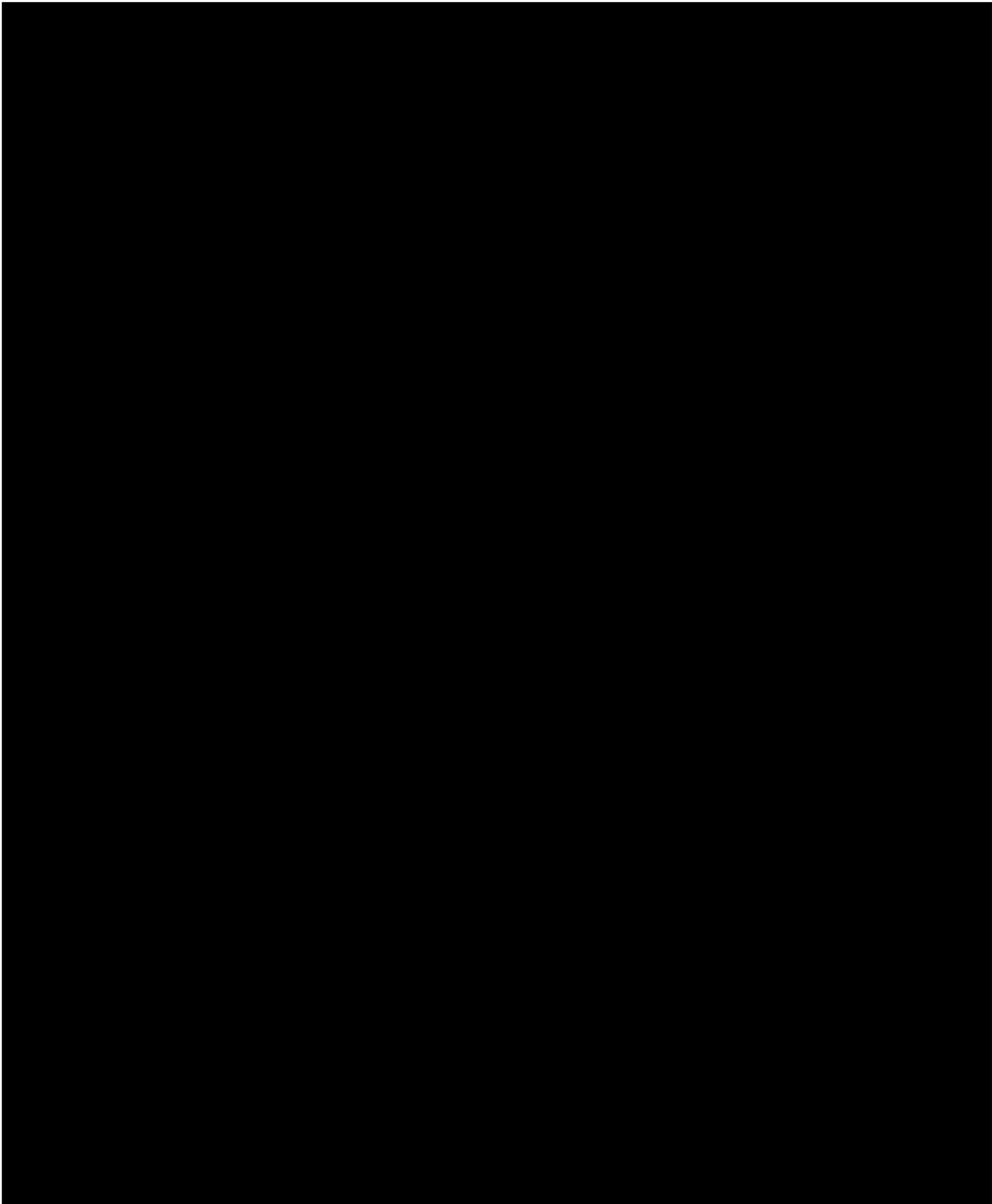
Q1 What is your current military status?

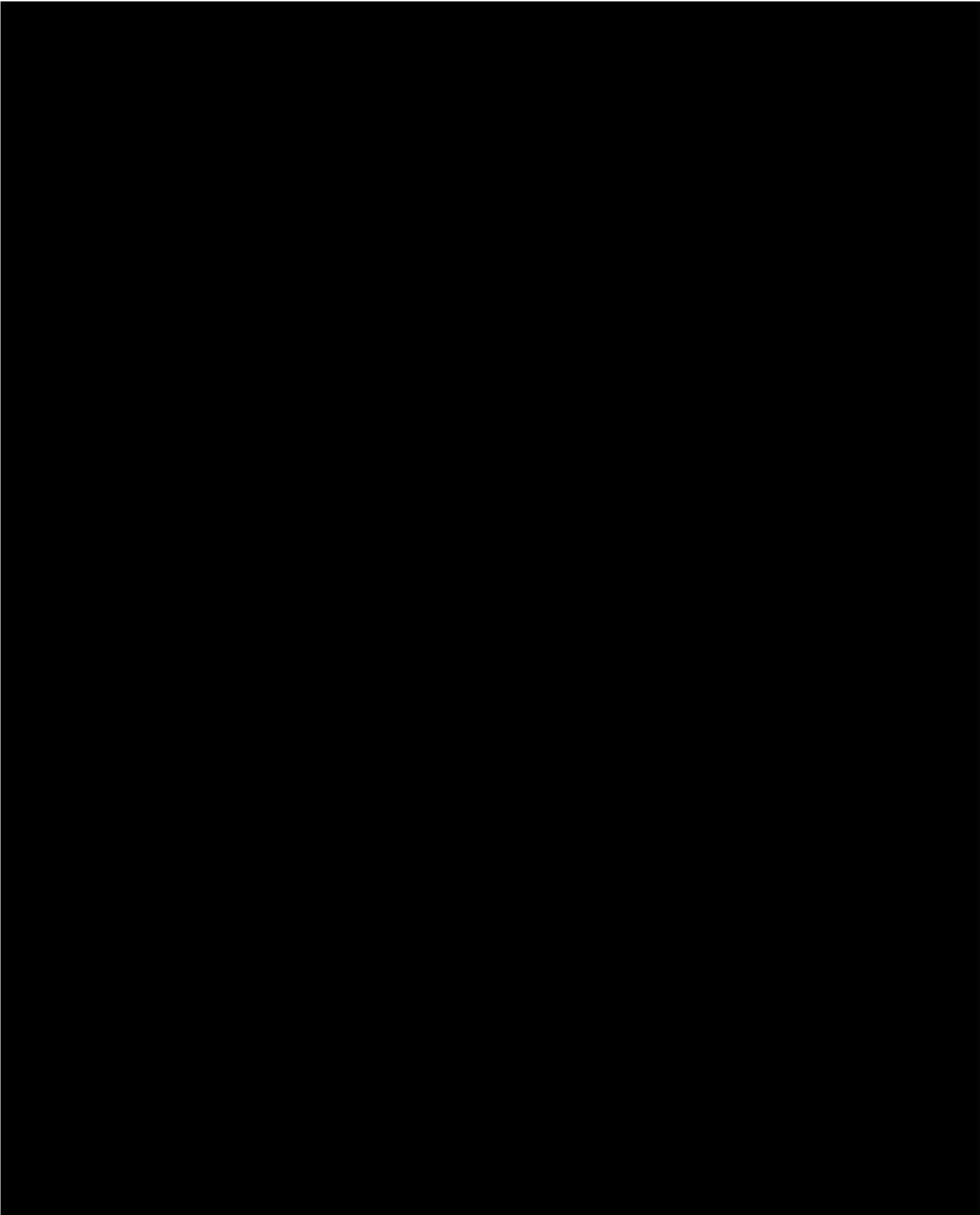
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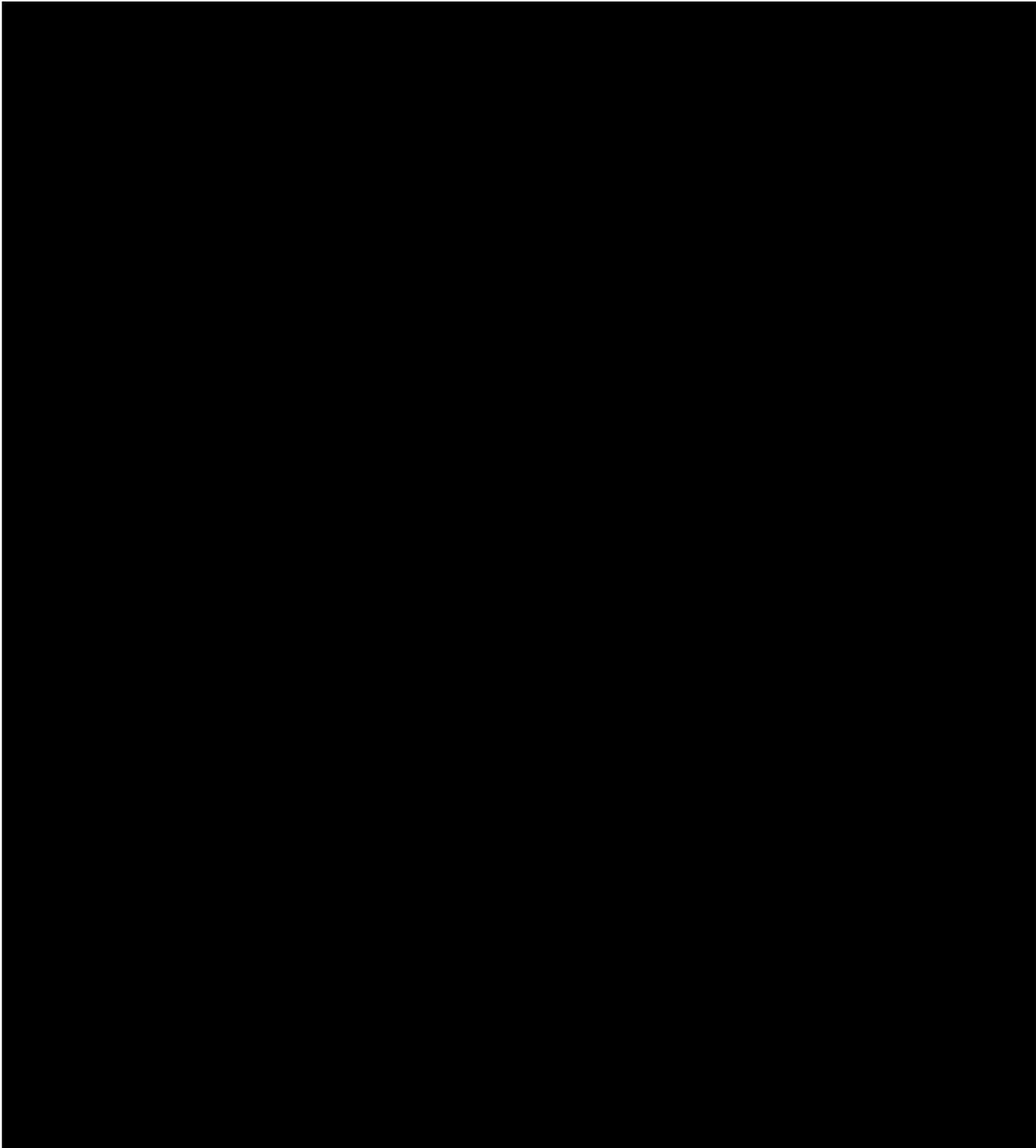


Answer Choices	Responses
Active Duty	11.54% 239
Reserves/Guard	5.12% 106
Retired Military	13.91% 288
Veteran	26.41% 547
No Military Experience	35.59% 737
Other (please specify)	7.44% 154
Total	2,071



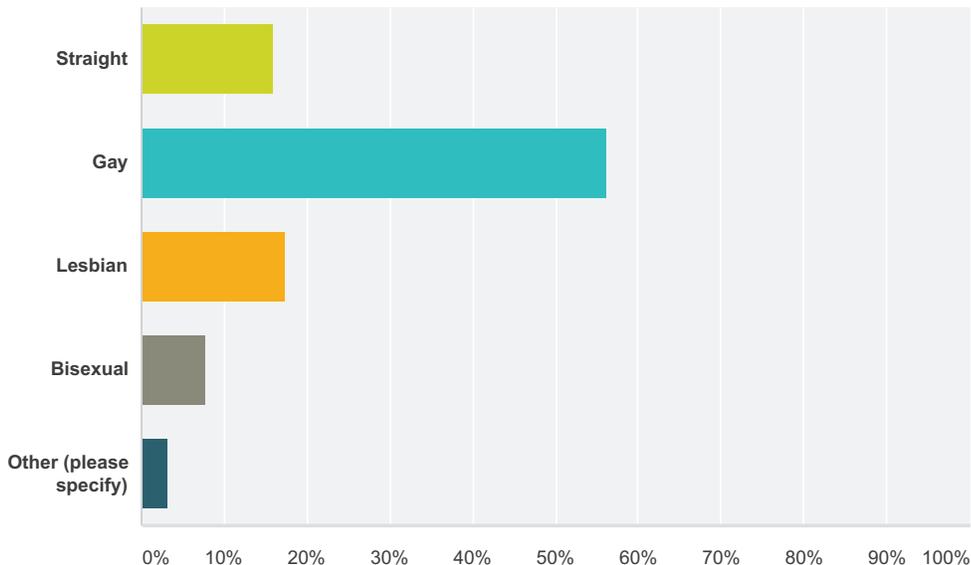




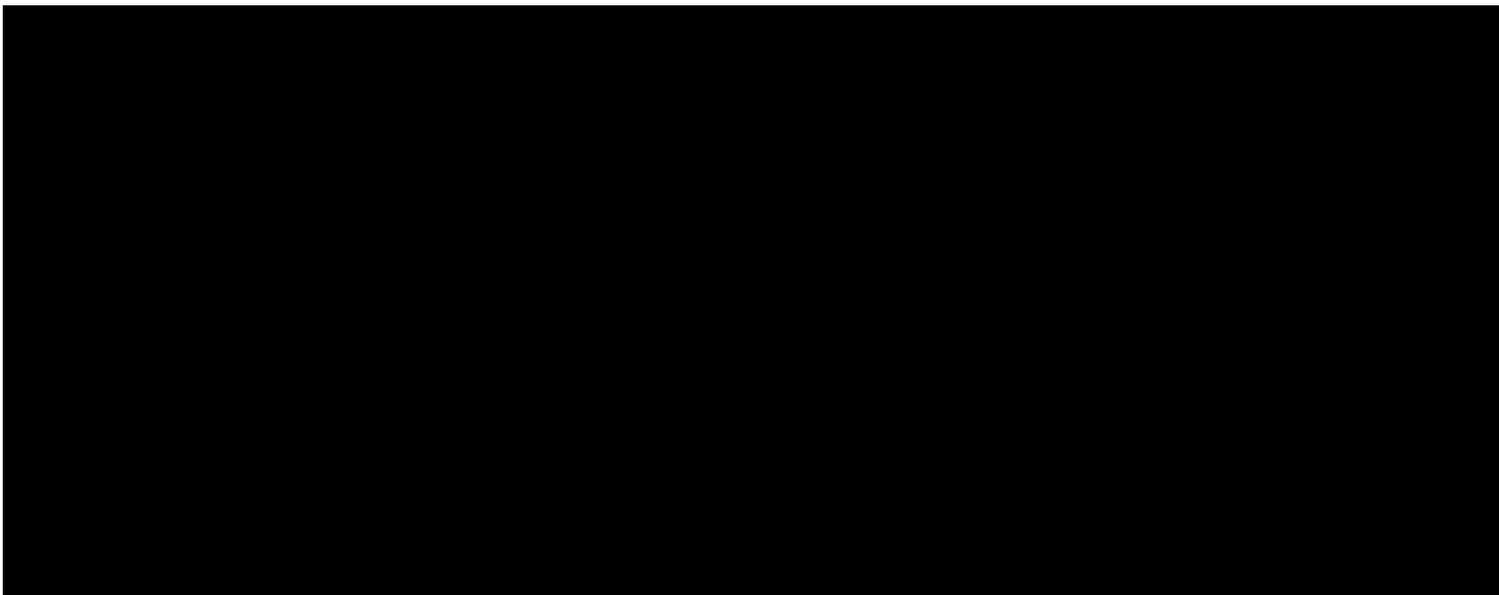


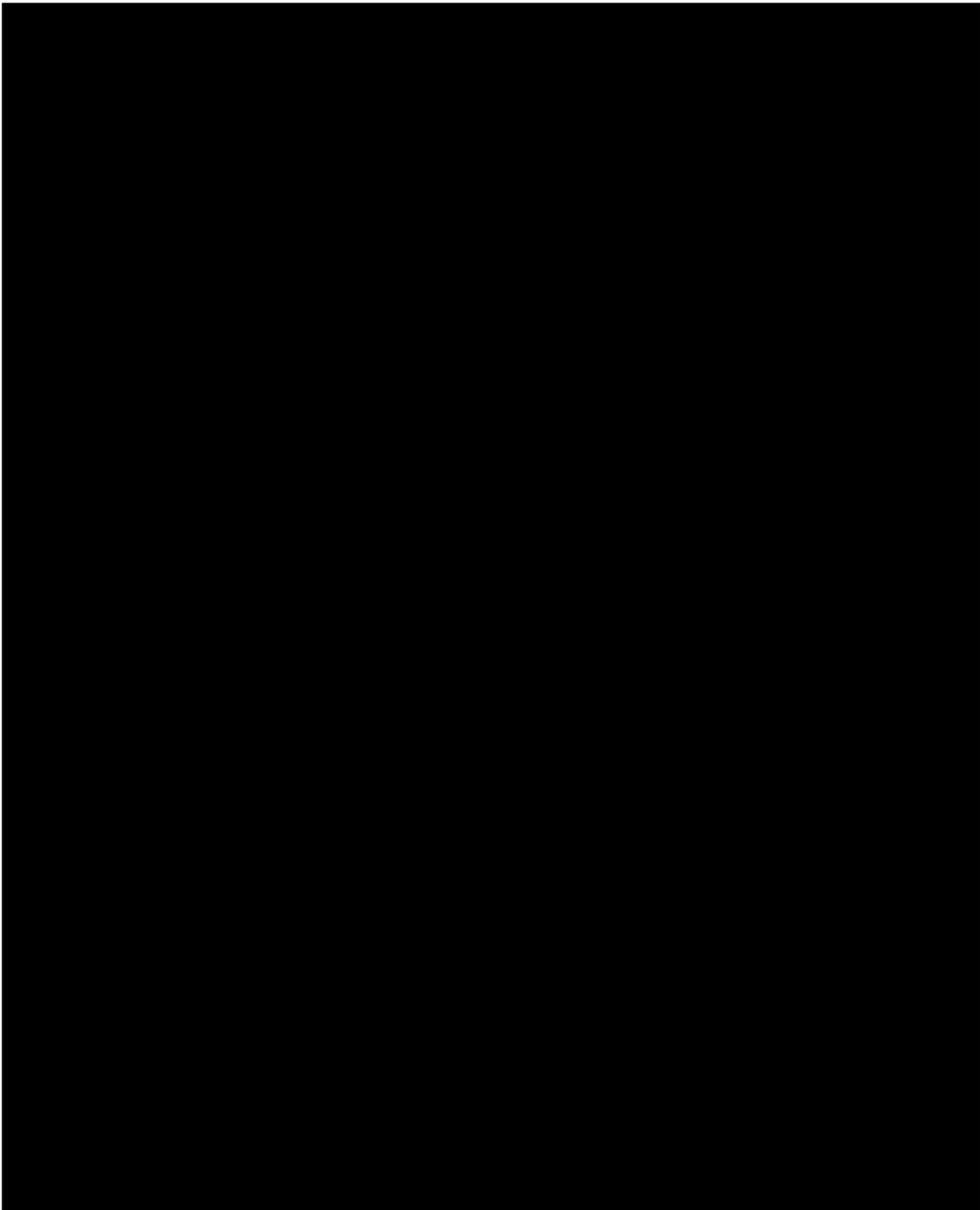
Q2 What is your sexual orientation

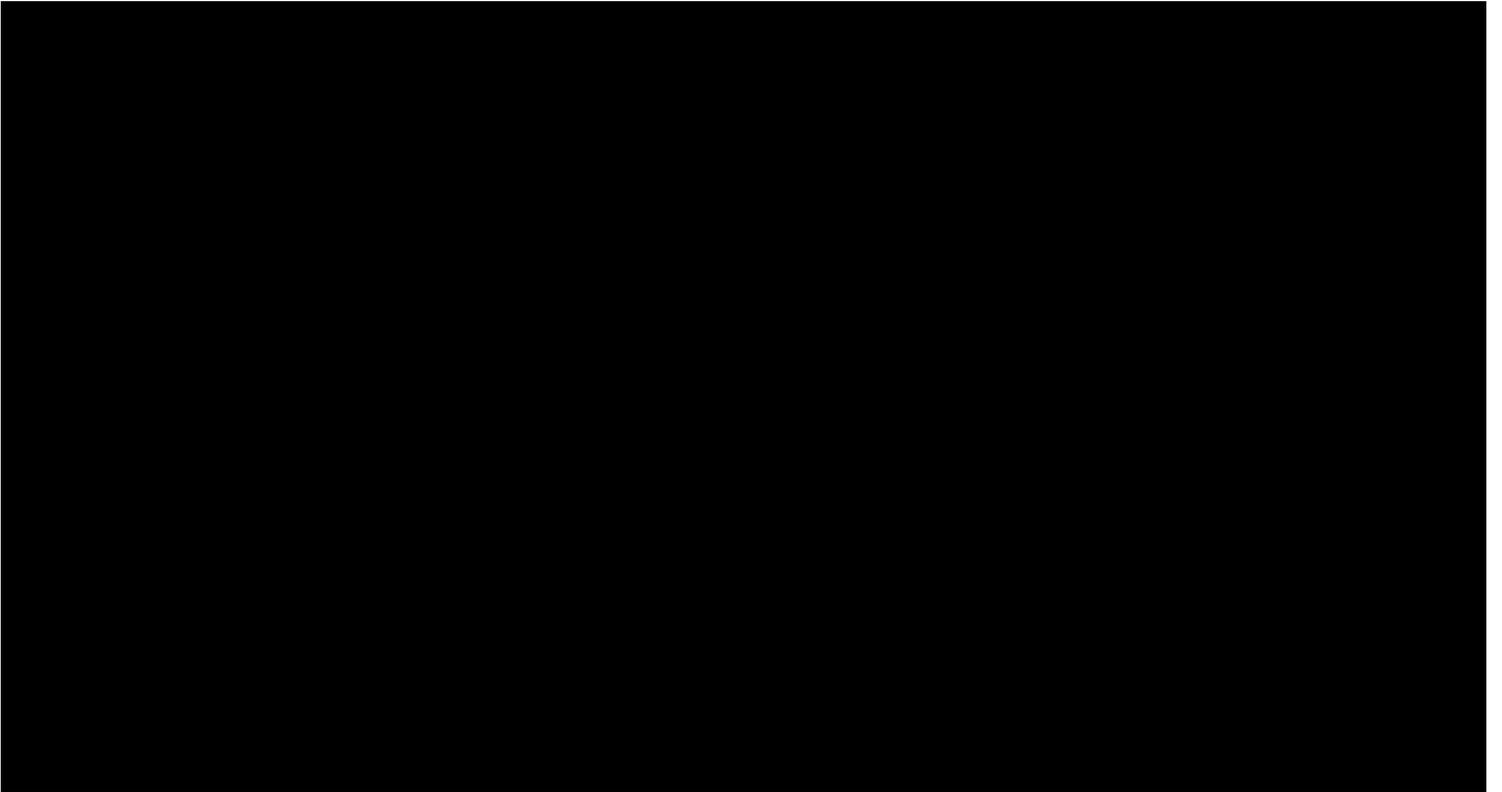
Answered: 2,071 Skipped: 1



Answer Choices	Responses
Straight	15.89% 329
Gay	56.11% 1,162
Lesbian	17.24% 357
Bisexual	7.63% 158
Other (please specify)	3.14% 65
Total	2,071

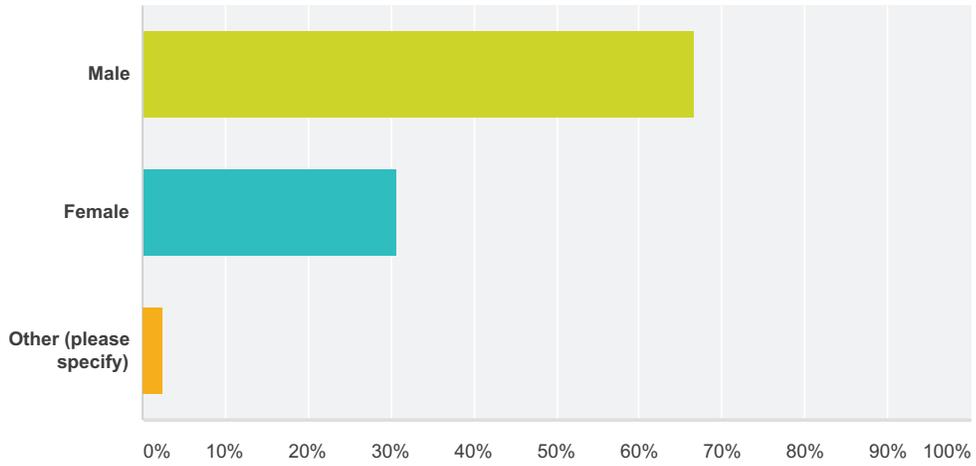




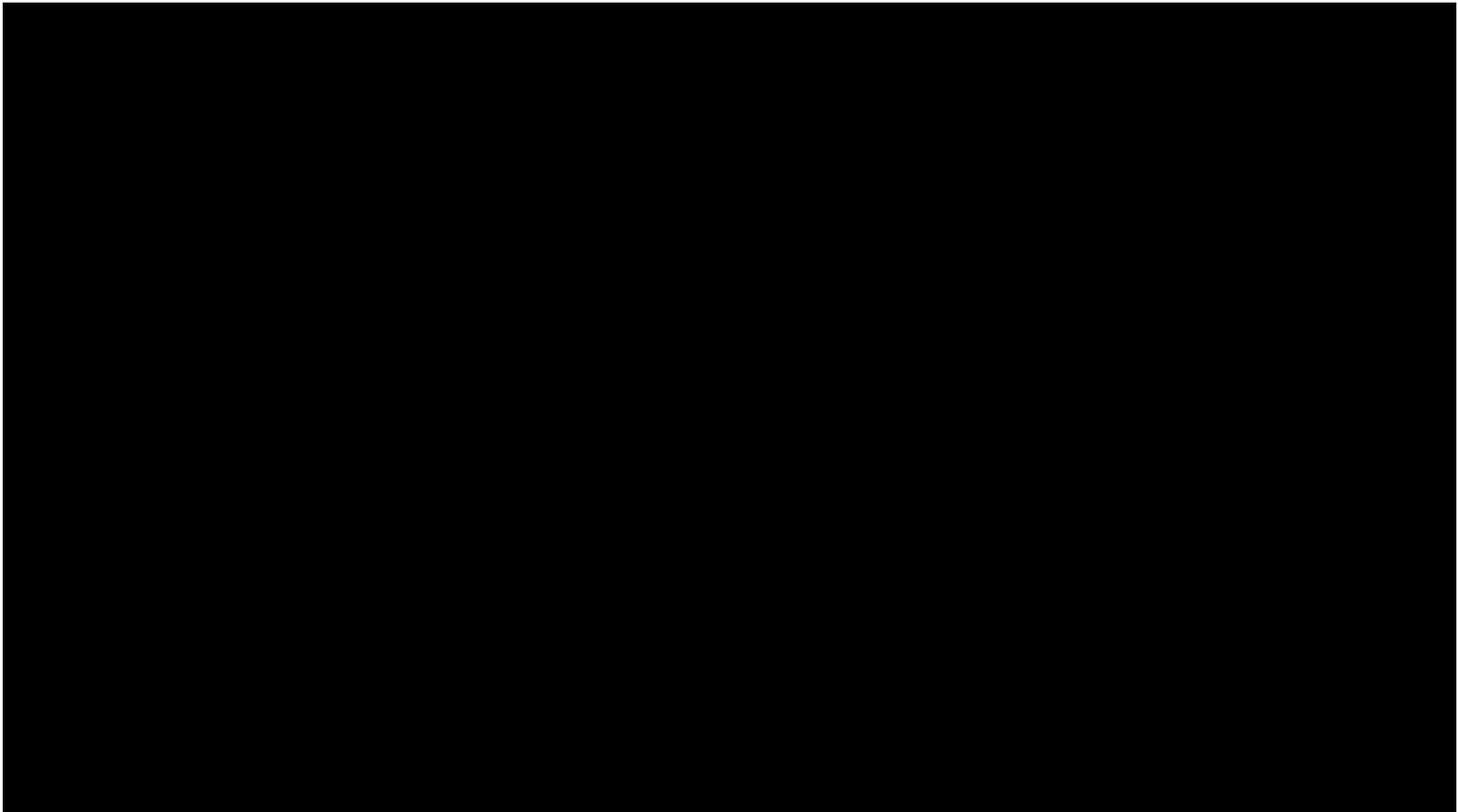


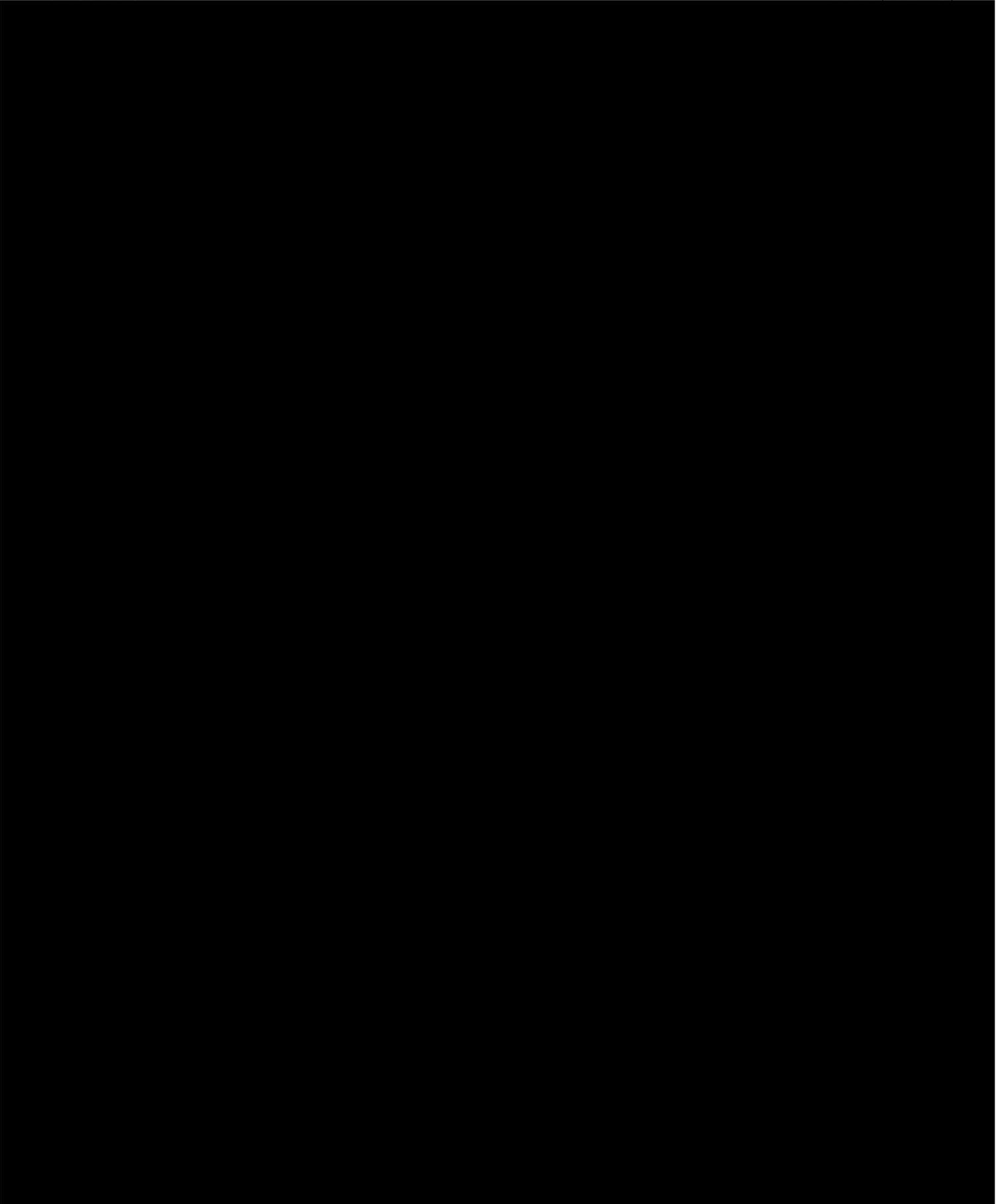
Q3 What is your gender identity?

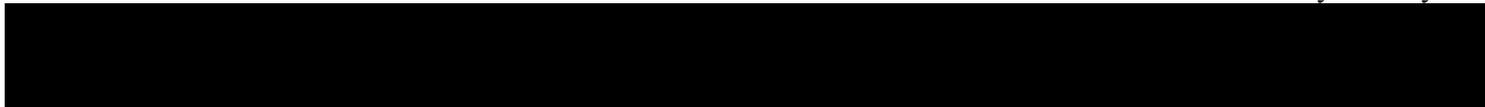
Answered: 2,071 Skipped: 1



Answer Choices	Responses
Male	66.63% 1,380
Female	30.76% 637
Other (please specify)	2.61% 54
Total	2,071

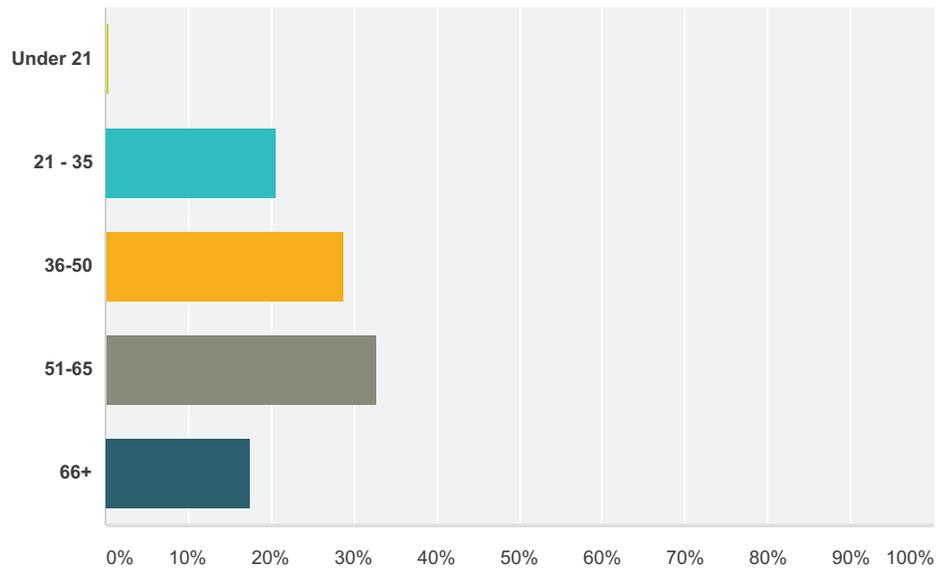






Q4 I am in the following age range

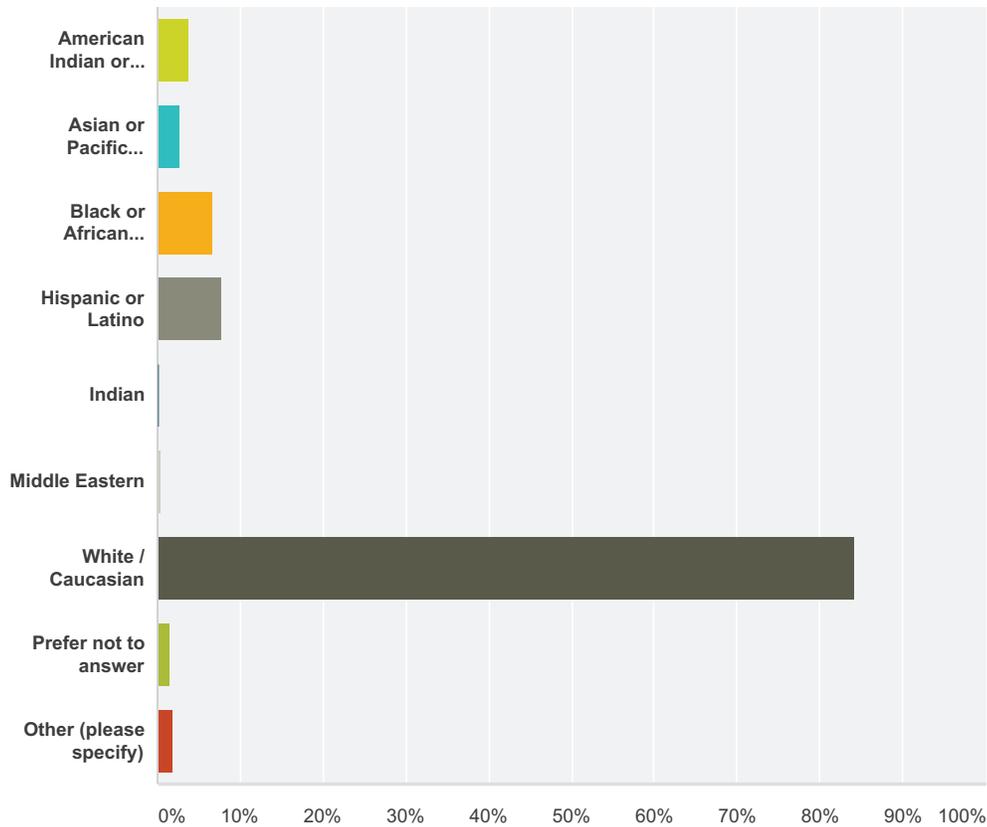
Answered: 2,071 Skipped: 1



Answer Choices	Responses
Under 21	0.34% 7
21 - 35	20.57% 426
36-50	28.73% 595
51-65	32.83% 680
66+	17.53% 363
Total	2,071

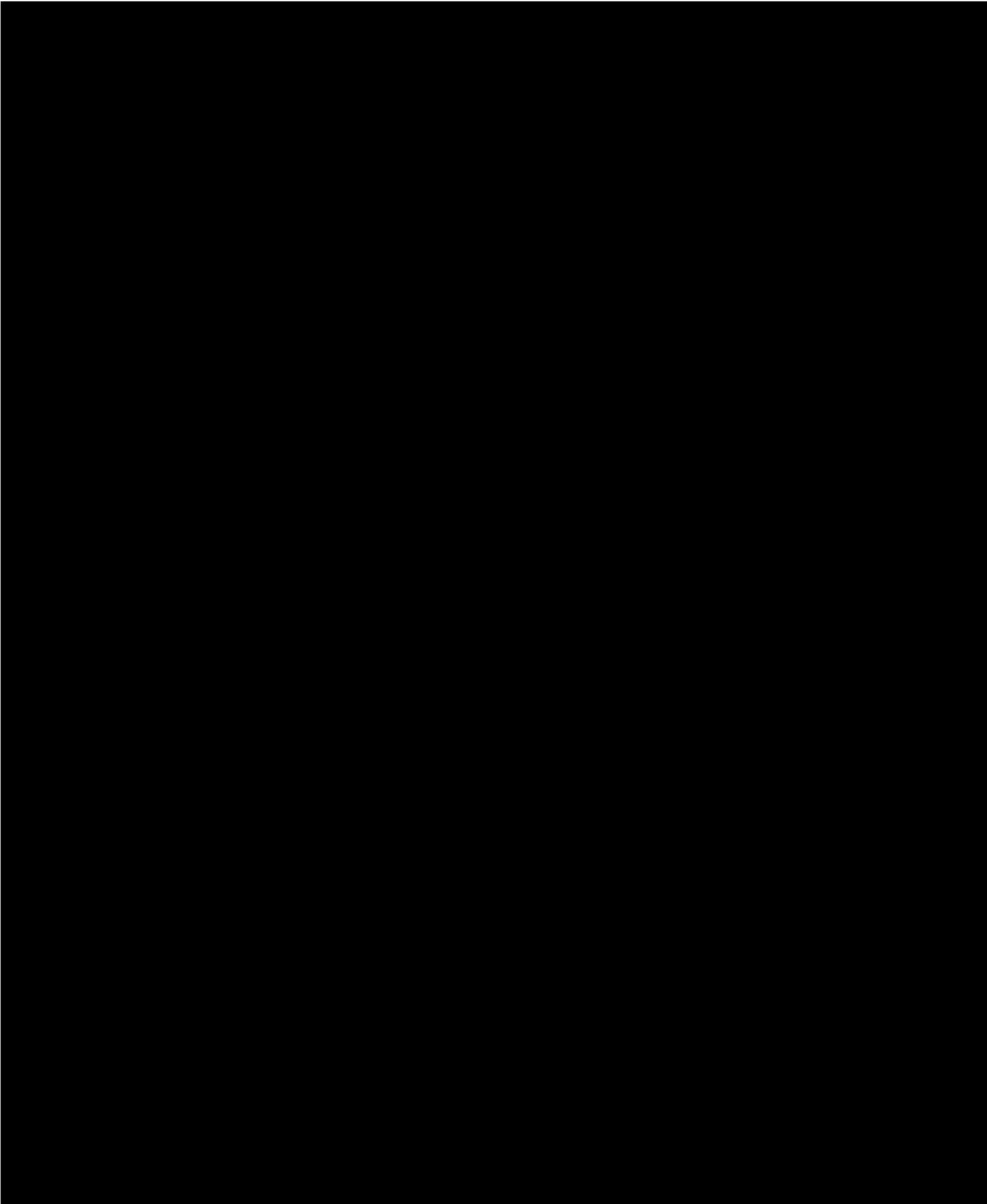
Q5 What is your ethnicity? (Please select all that apply.)

Answered: 2,071 Skipped: 1



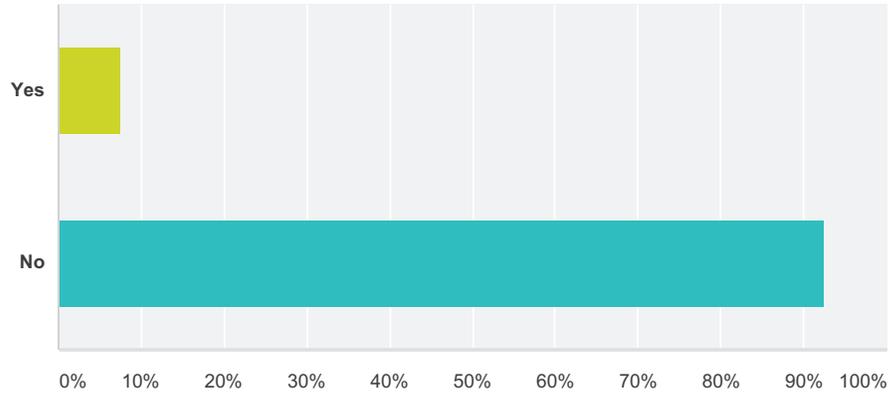
Answer Choices	Responses
American Indian or Alaskan Native	3.67% 76
Asian or Pacific Islander	2.70% 56
Black or African American	6.71% 139
Hispanic or Latino	7.77% 161
Indian	0.14% 3
Middle Eastern	0.34% 7
White / Caucasian	84.16% 1,743
Prefer not to answer	1.50% 31
Other (please specify)	1.83% 38
Total Respondents: 2,071	

#	Other (please specify)	Date
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Q6 I have been, or I am currently, a board member, committee member, and/or volunteer with OutServe-SLDN

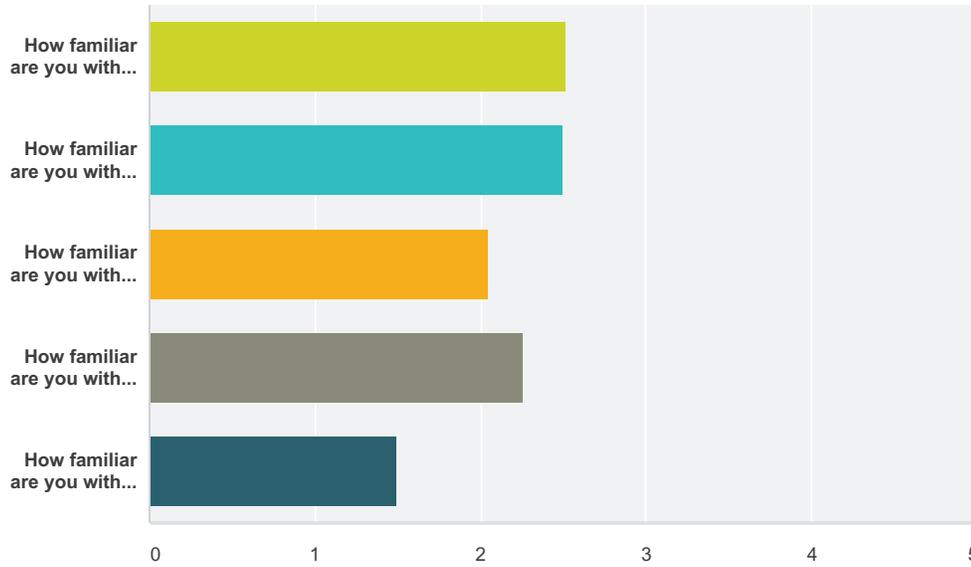
Answered: 2,071 Skipped: 1



Answer Choices	Responses
Yes	7.58% 157
No	92.42% 1,914
Total	2,071

Q7 On the scale below, please rate your response to the following questions

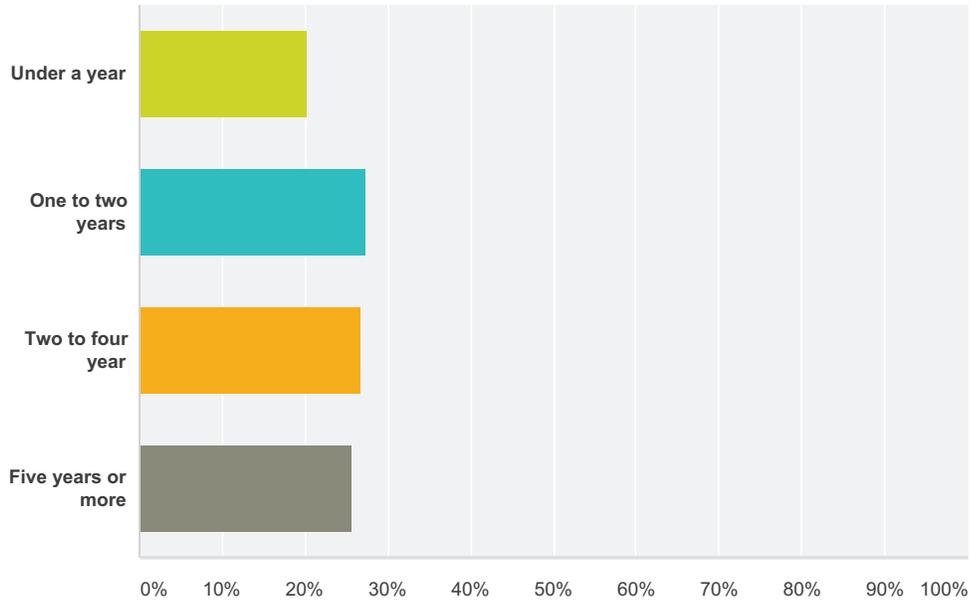
Answered: 1,598 Skipped: 474



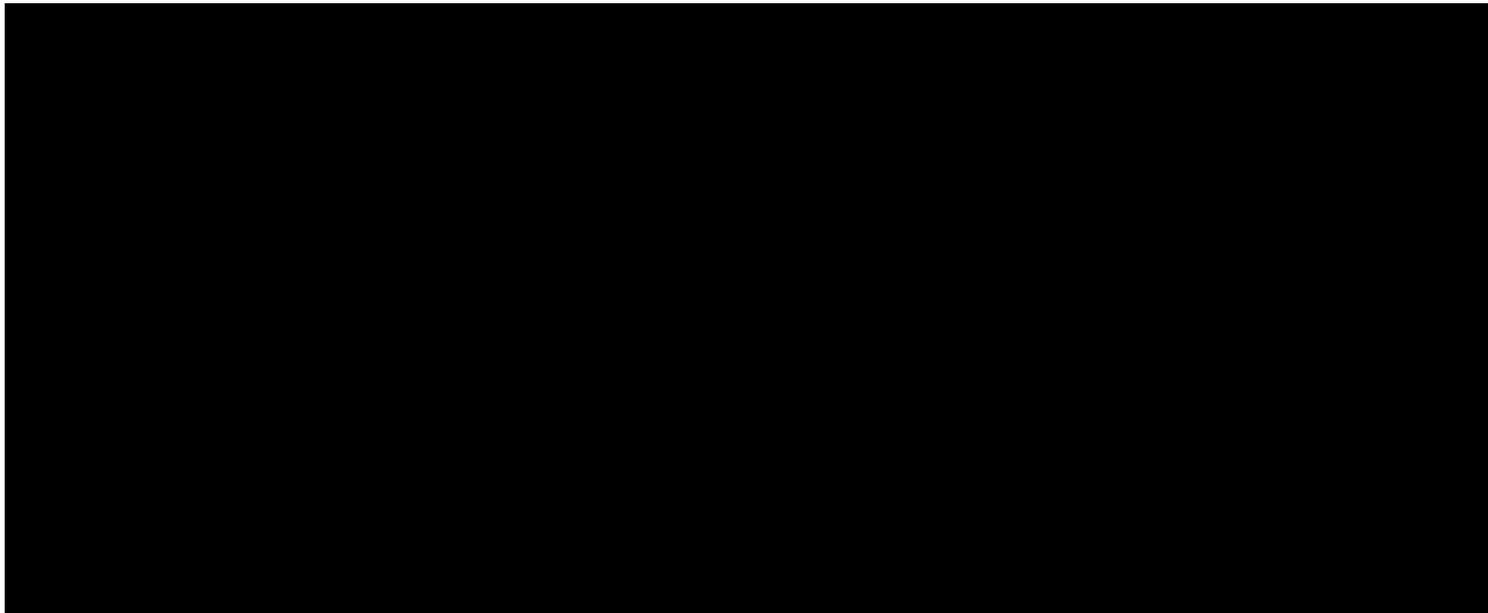
	Not at all familiar	Somewhat Familiar	Familiar	Very Familiar	Total	Average Rating
How familiar are you with OutServe-SLDN as an organization overall?	8.39% 134	44.08% 704	34.56% 552	12.96% 207	1,597	2.52
How familiar are you with OutServe-SLDN's Mission?	10.50% 167	41.26% 656	36.16% 575	12.08% 192	1,590	2.50
How familiar are you with OutServe-SLDN's Programs and Services?	26.54% 422	47.55% 756	20.75% 330	5.16% 82	1,590	2.05
How familiar are you with OutServe-SLDN's History?	25.28% 402	37.23% 592	24.34% 387	13.14% 209	1,590	2.25
How familiar are you with OutServe-SLDN's Financial Position?	65.62% 1,042	22.86% 363	8.06% 128	3.46% 55	1,588	1.49

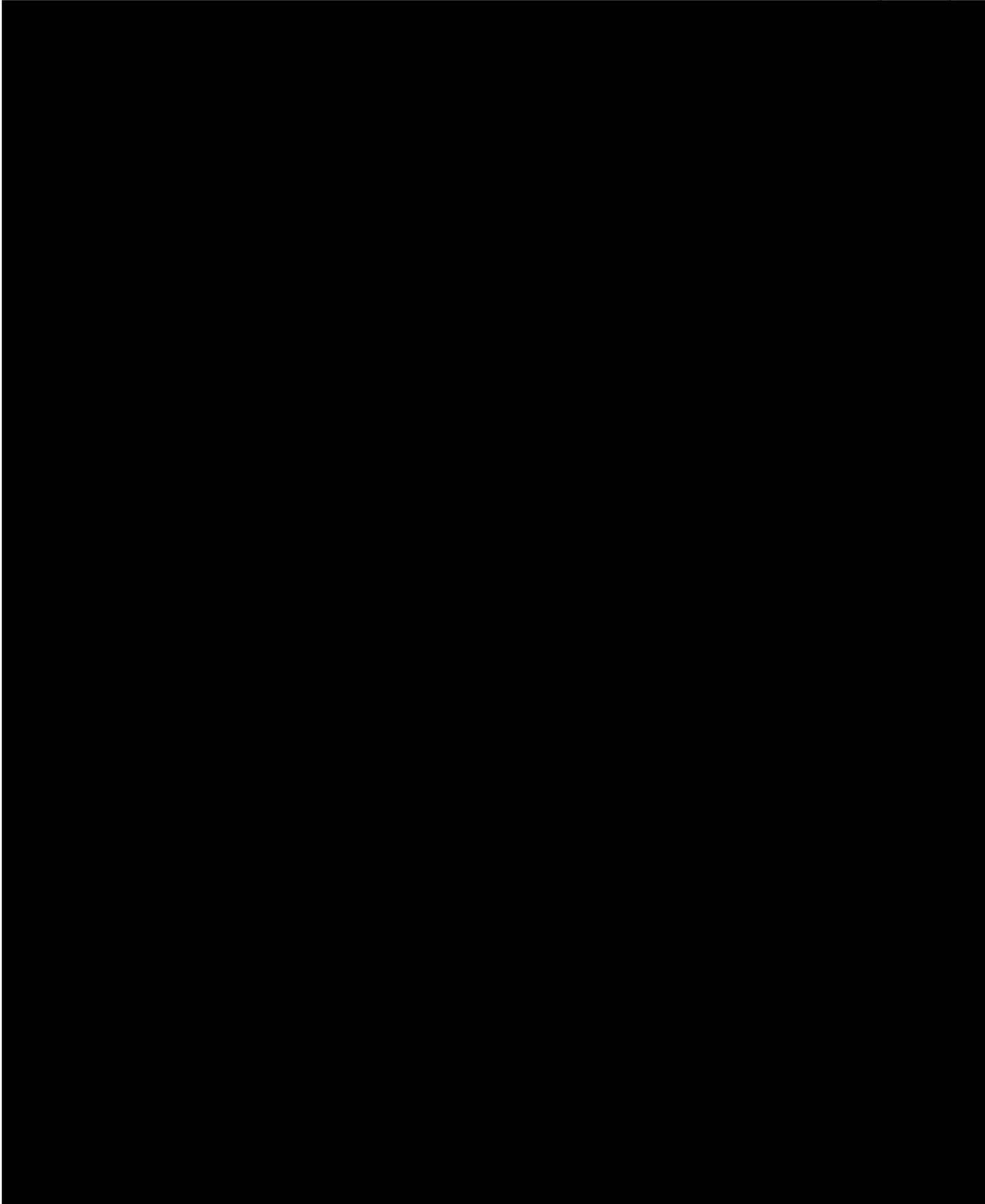
Q8 How long have you been engaged with or affiliated with OutServe-SLDN?

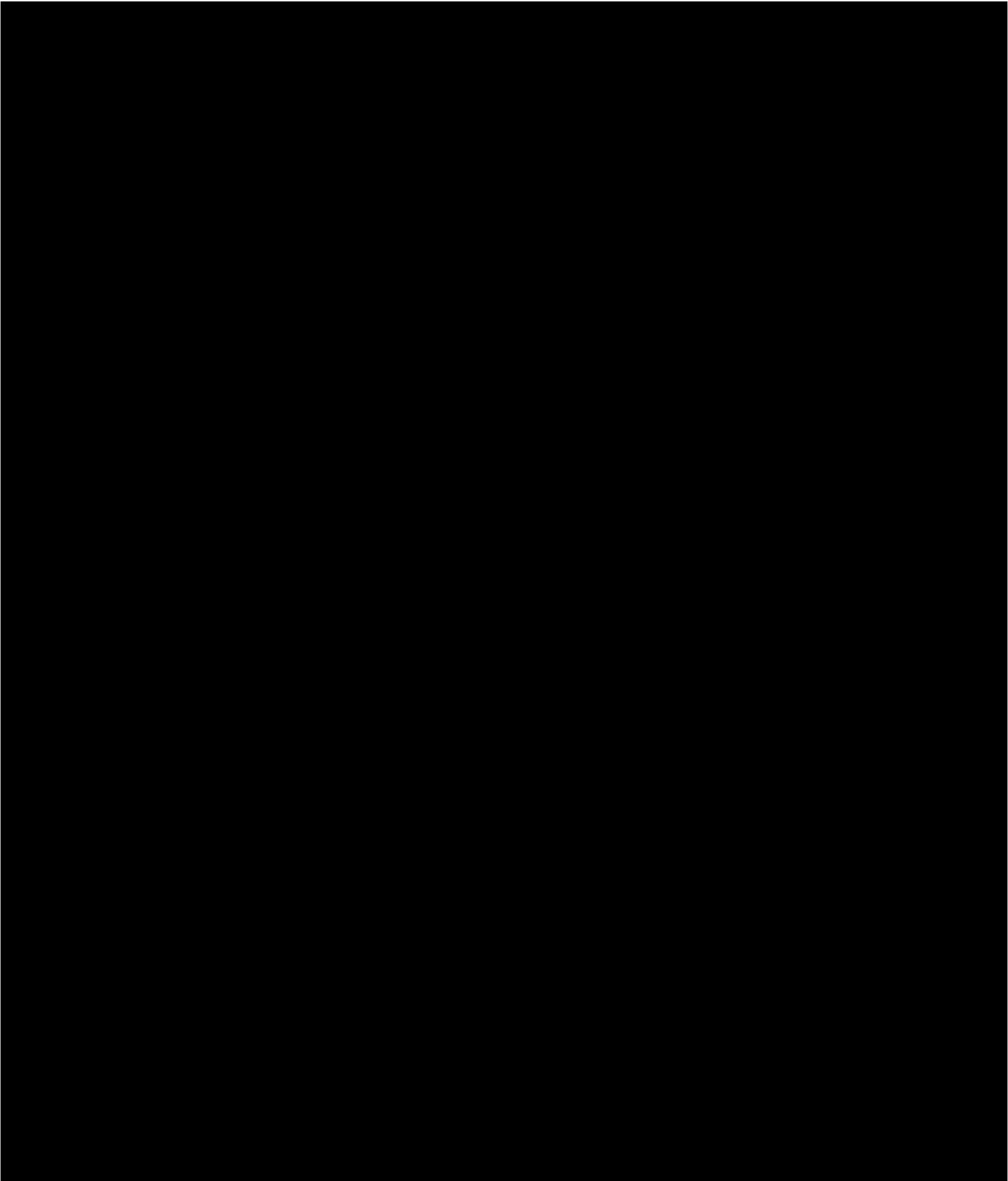
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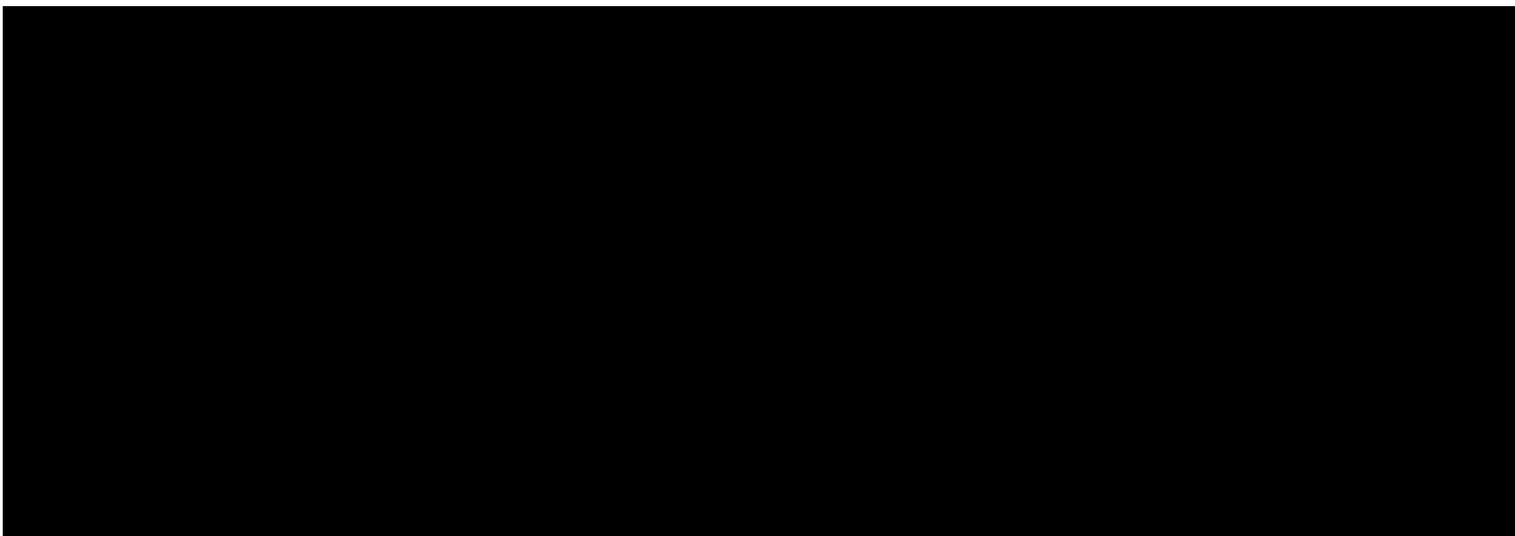


Answer Choices	Responses
Under a year	20.15% 322
One to two years	27.35% 437
Two to four year	26.78% 428
Five years or more	25.72% 411
Total	1,598



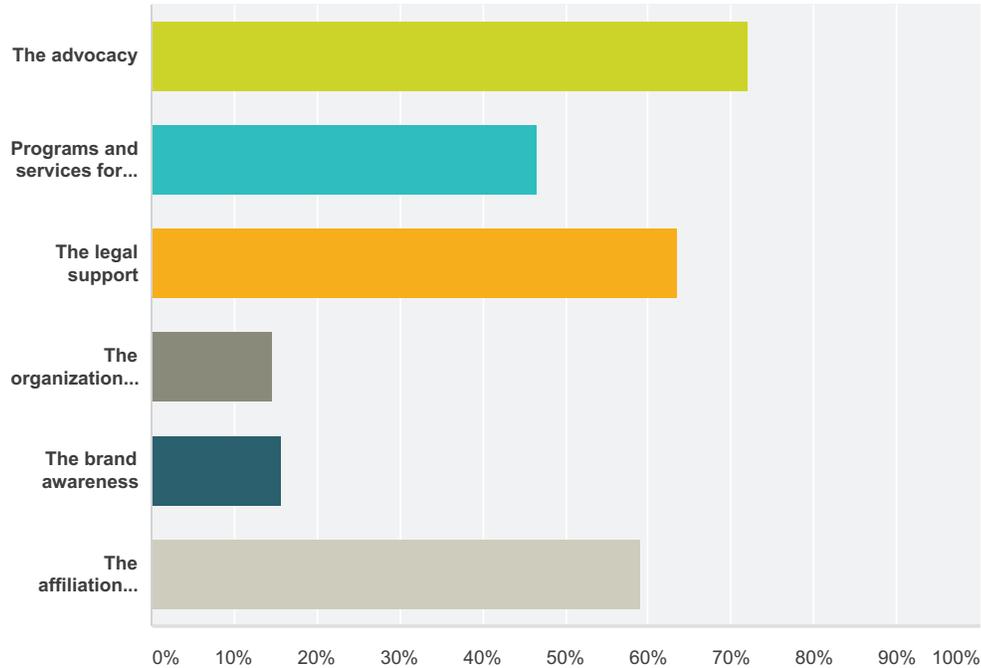




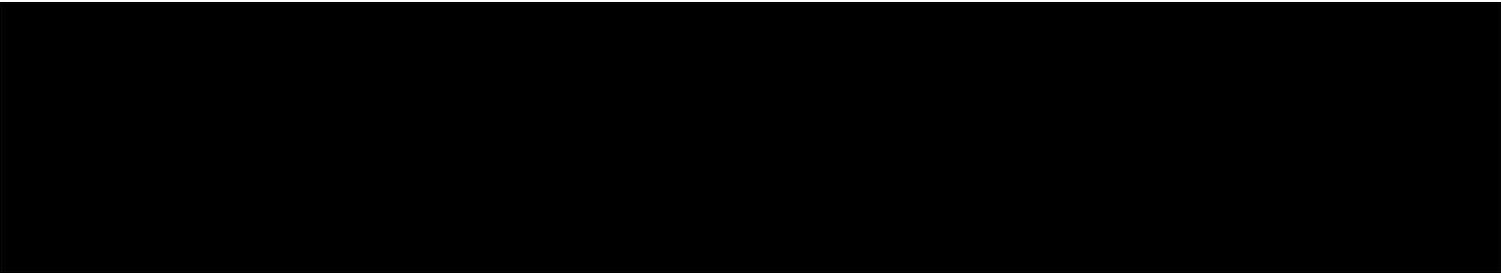


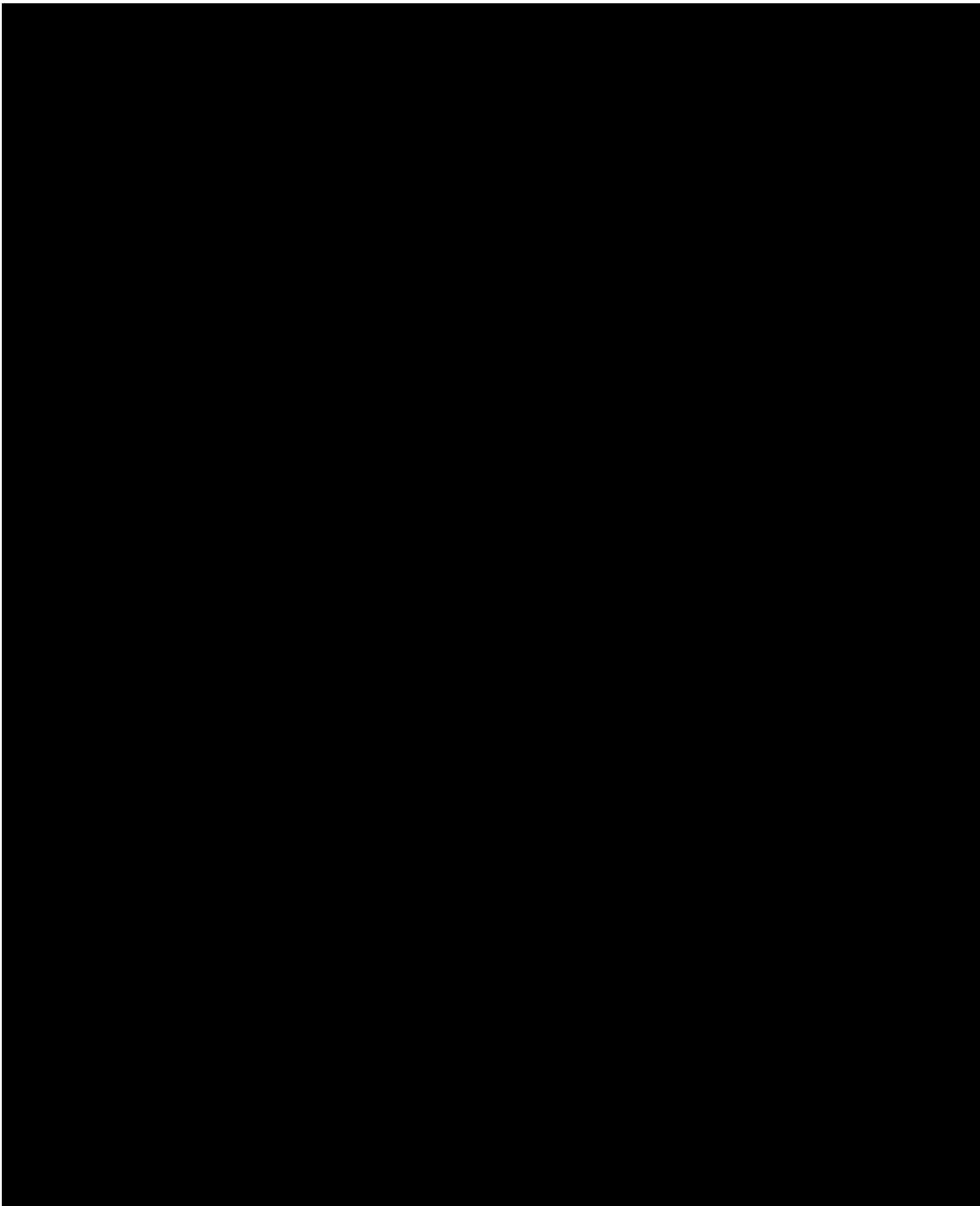
Q9 In your opinion, what do you see as the strengths of OutServe-SLDN (Please choose all that apply)

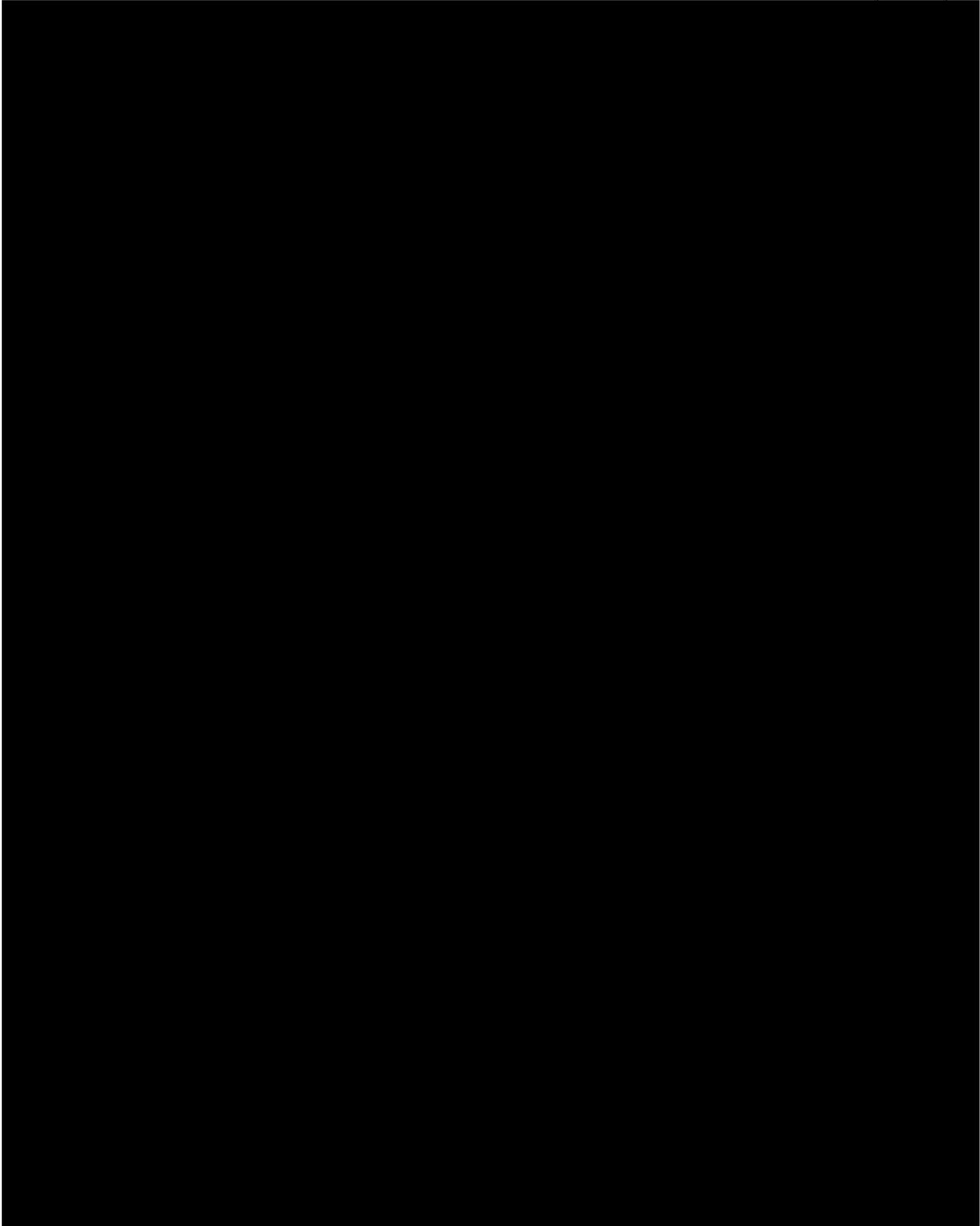
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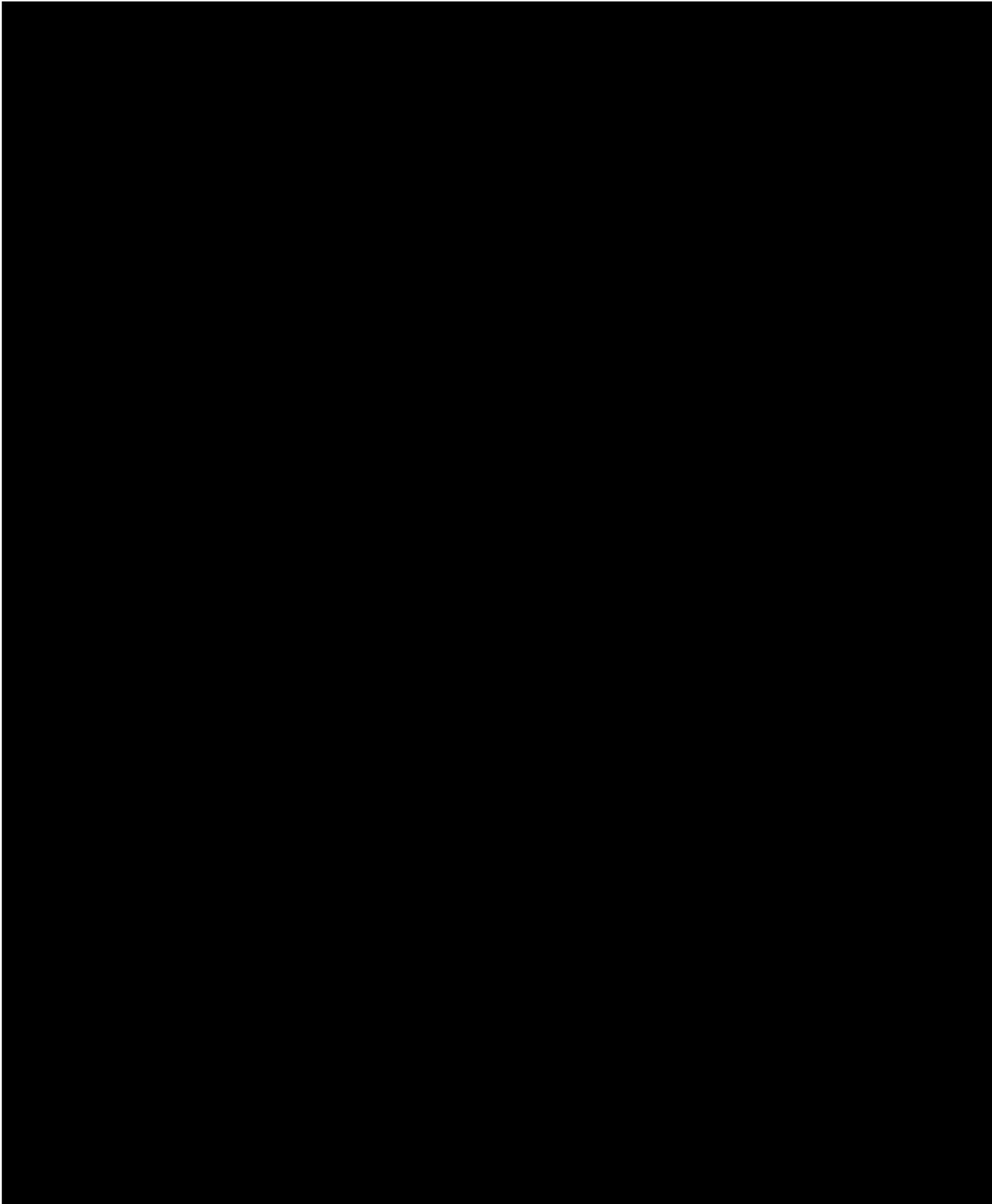


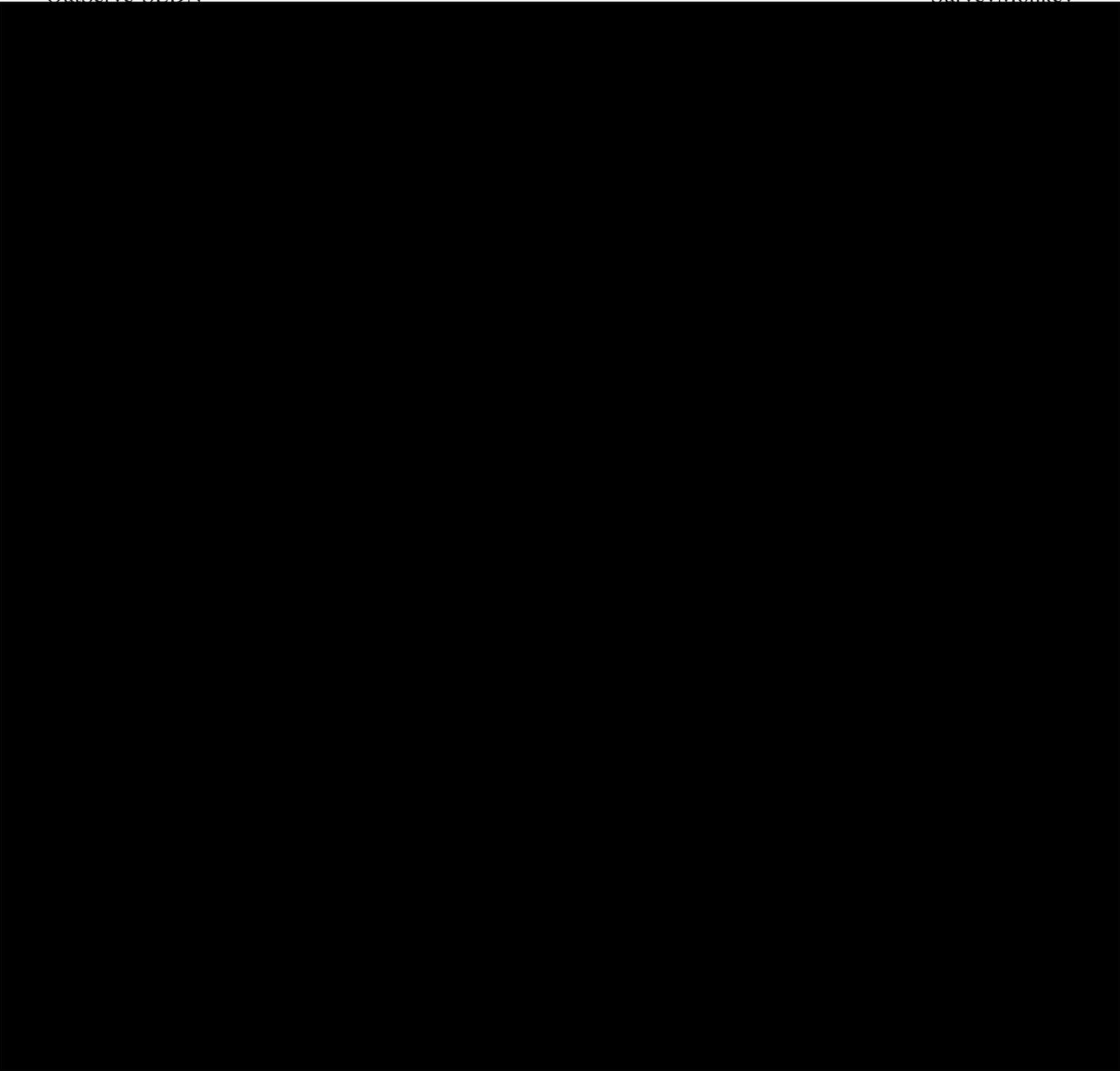
Answer Choices	Responses
The advocacy	72.03% 1,151
Programs and services for members	46.56% 744
The legal support	63.45% 1,014
The organizations Chapters	14.52% 232
The brand awareness	15.71% 251
The affiliation with the LGBT community	59.14% 945
Total Respondents: 1,598	





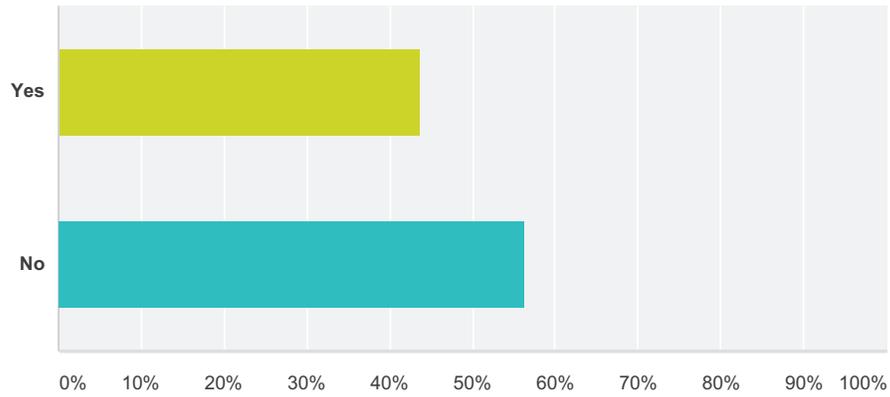






Q10 I support / have supported OutServe-SLDN financially through an annual or one time contribution (not including event tickets)

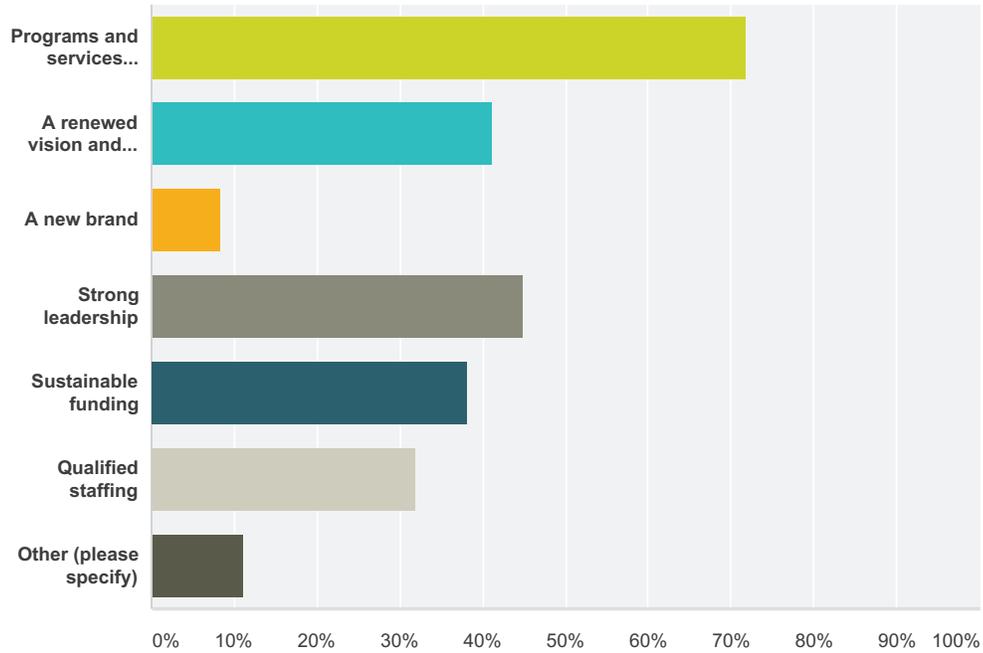
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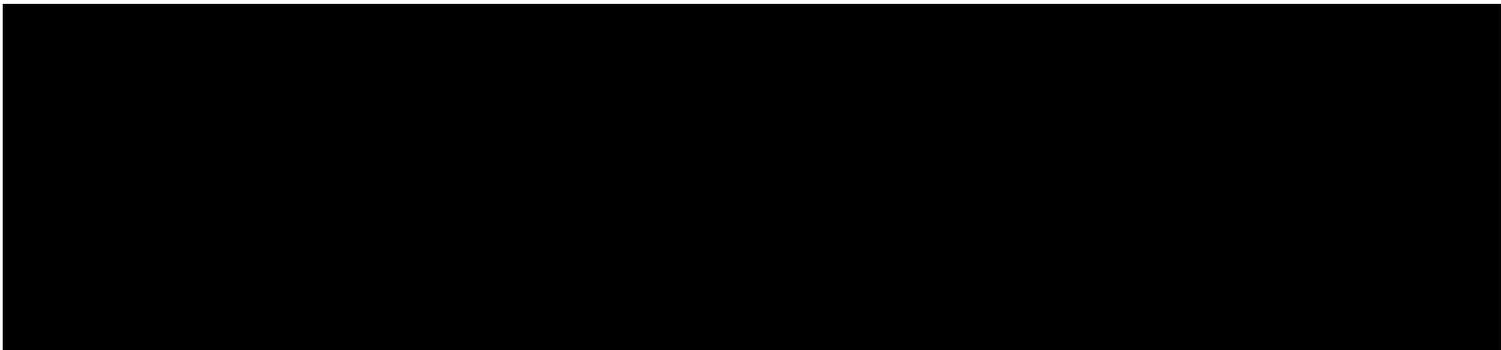
Answer Choices	Responses	
Yes	43.68%	698
No	56.32%	900
Total		1,598

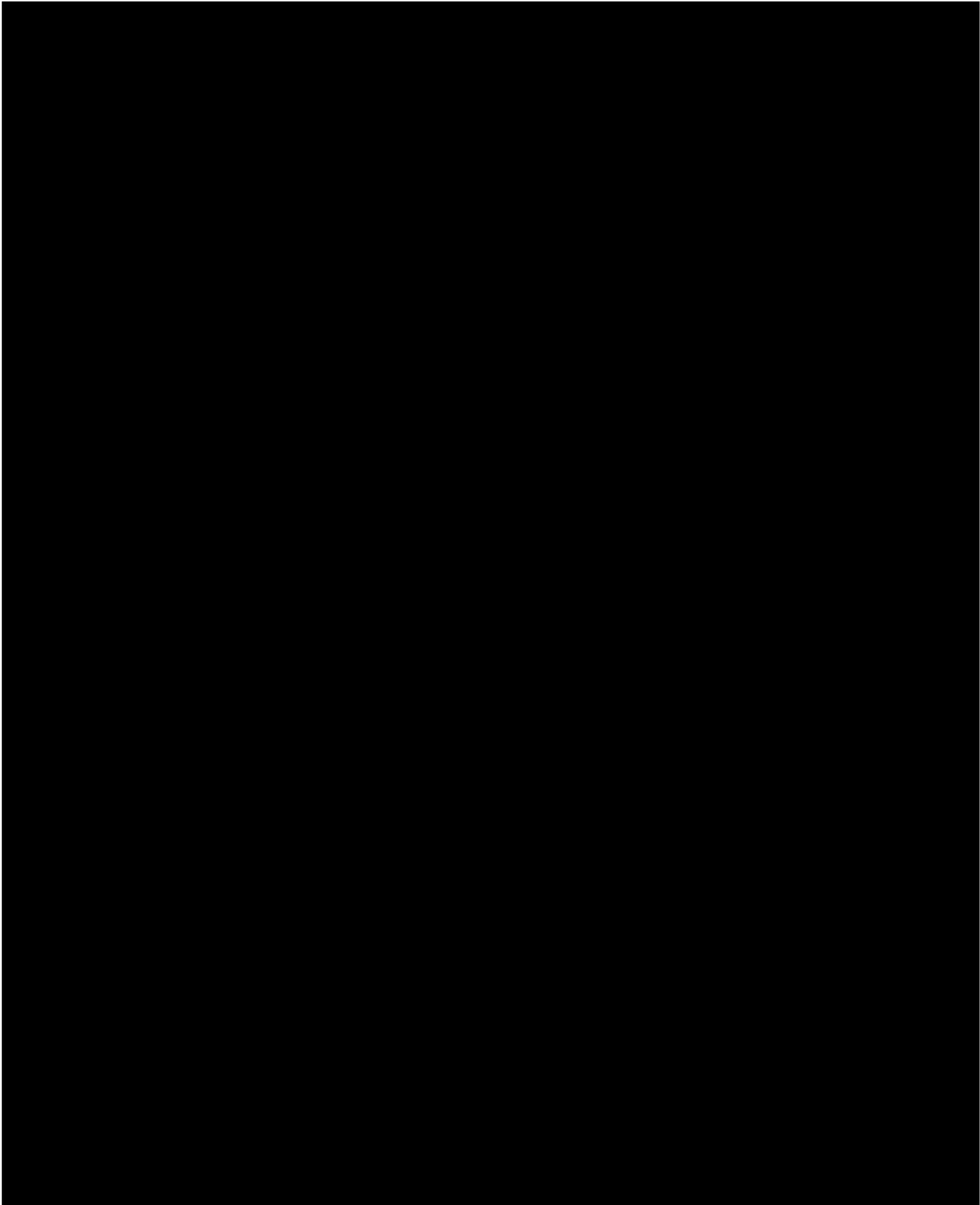
Q11 In your opinion, what are the most important future considerations for the organization?

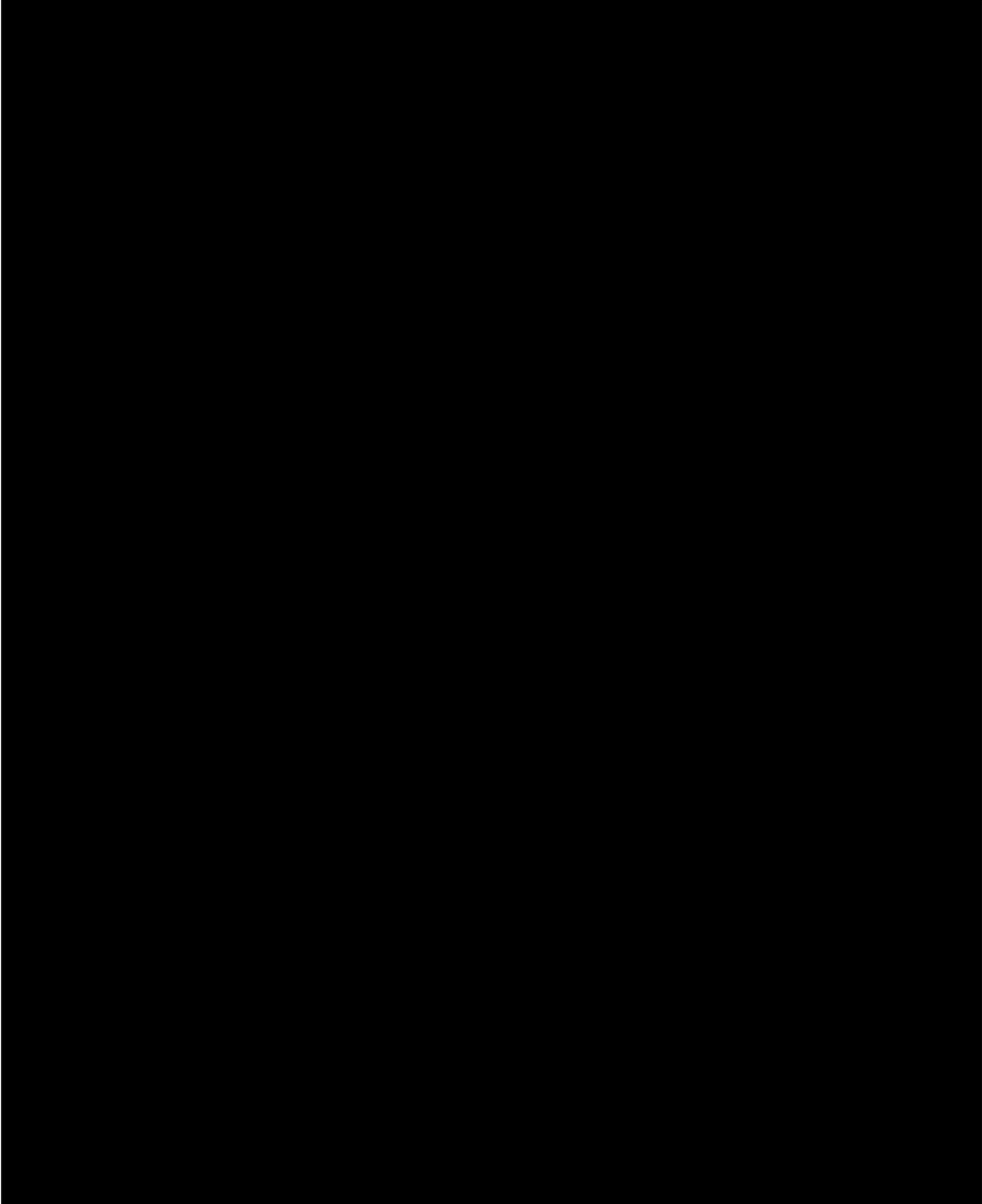
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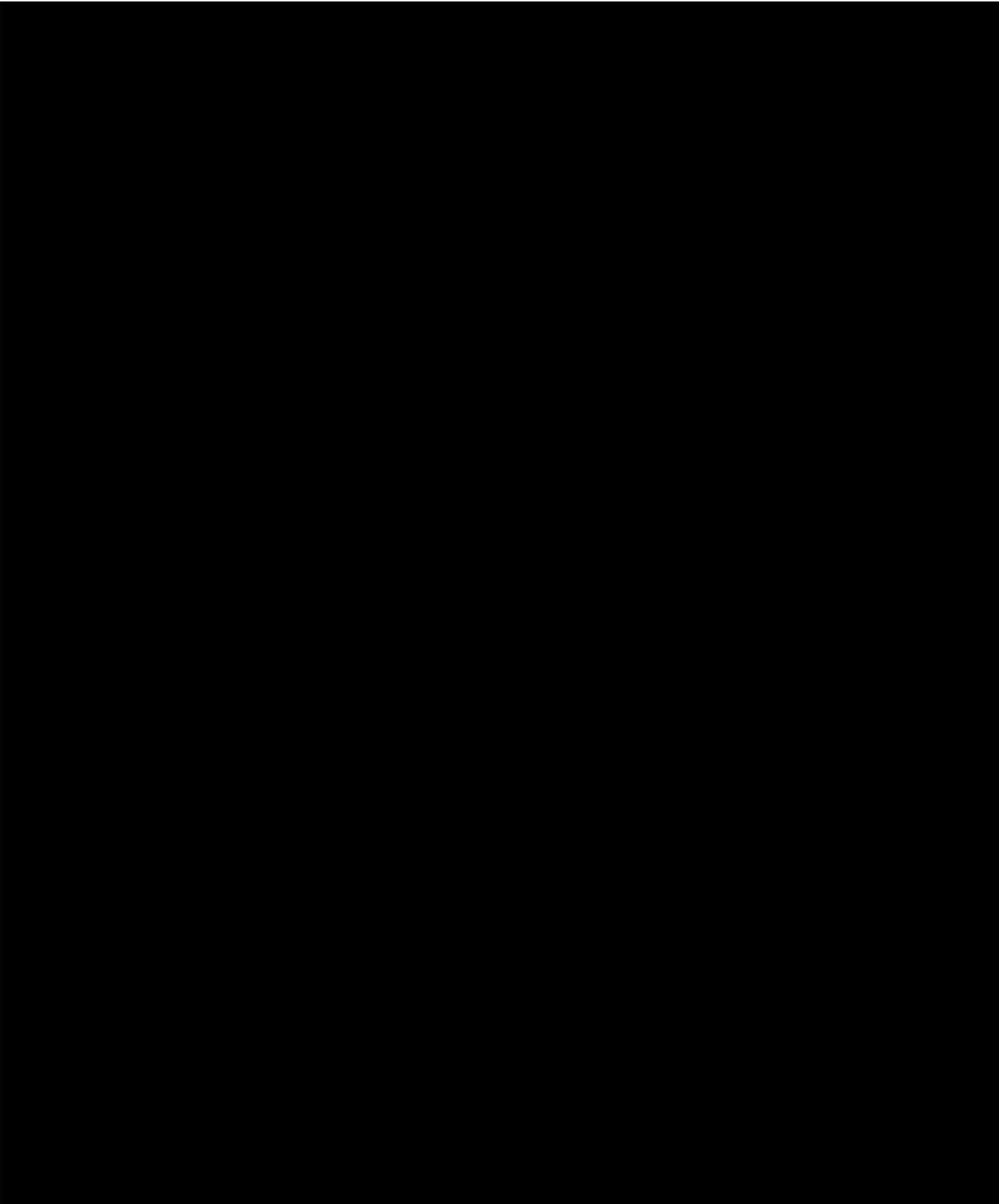


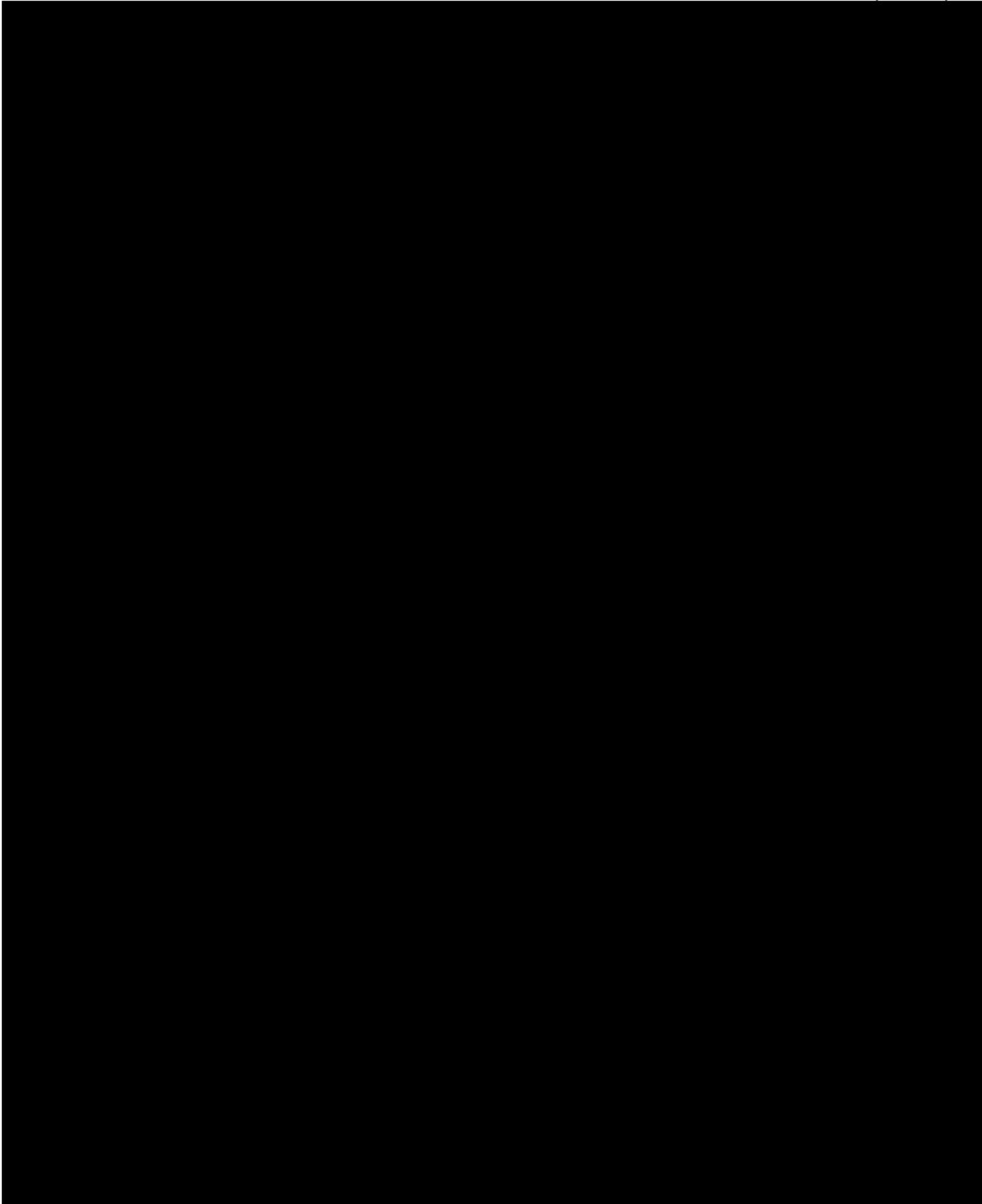
Answer Choices	Responses
Programs and services meeting constituents needs	71.90% 1,149
A renewed vision and mission for the organization	41.11% 657
A new brand	8.39% 134
Strong leadership	44.87% 717
Sustainable funding	38.17% 610
Qualified staffing	31.98% 511
Other (please specify)	11.01% 176
Total Respondents: 1,598	

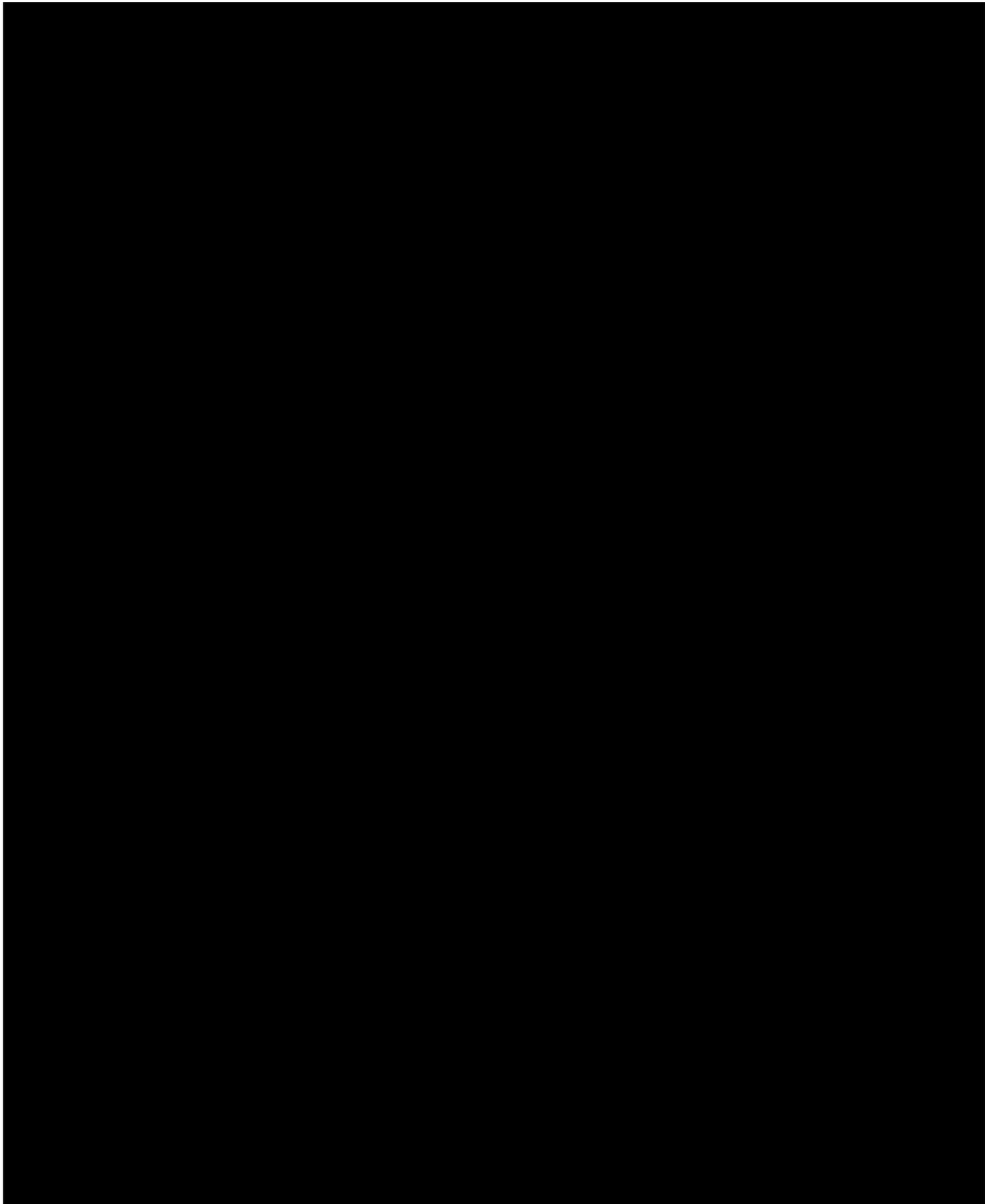


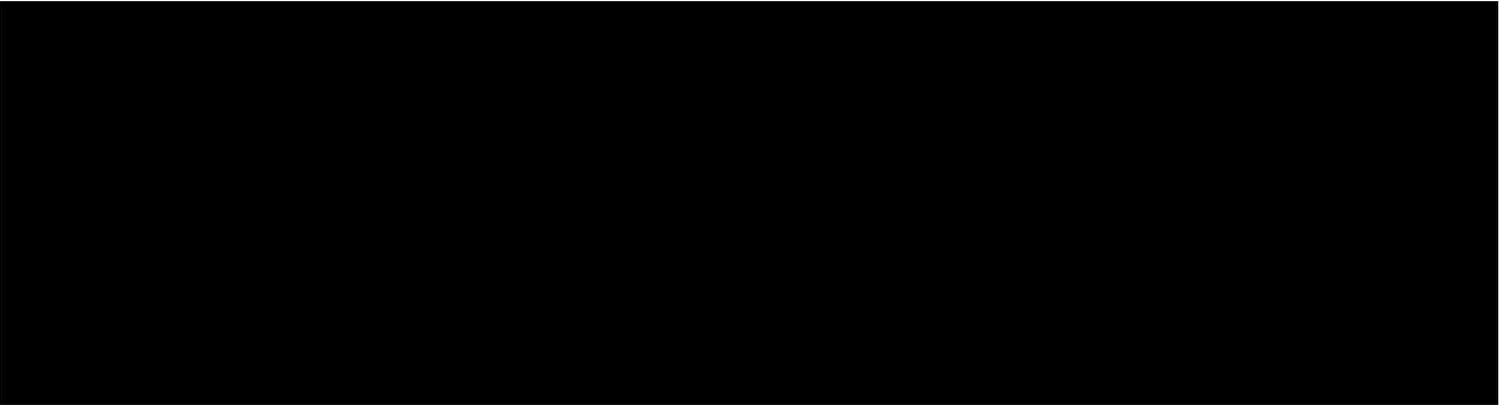






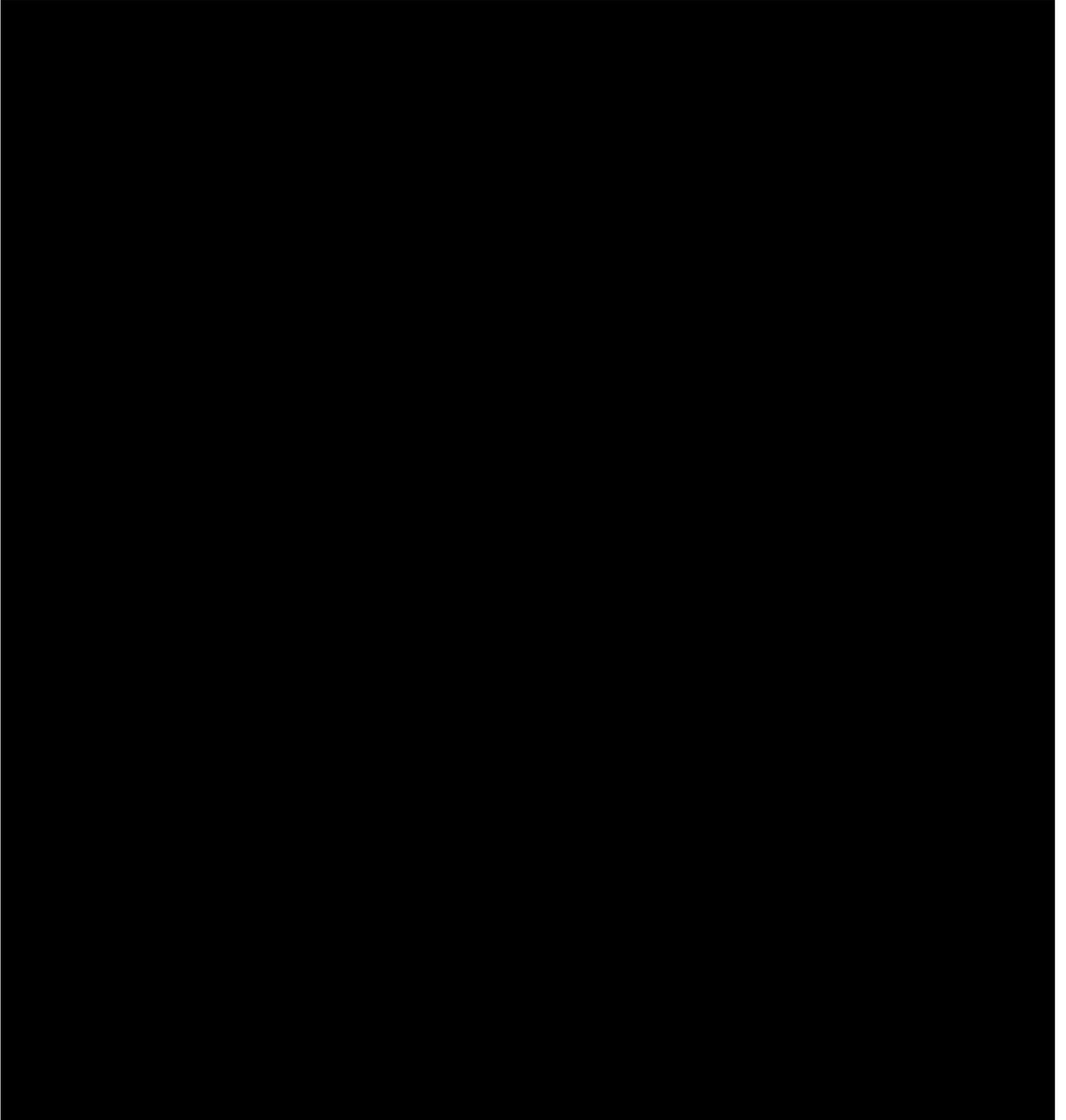


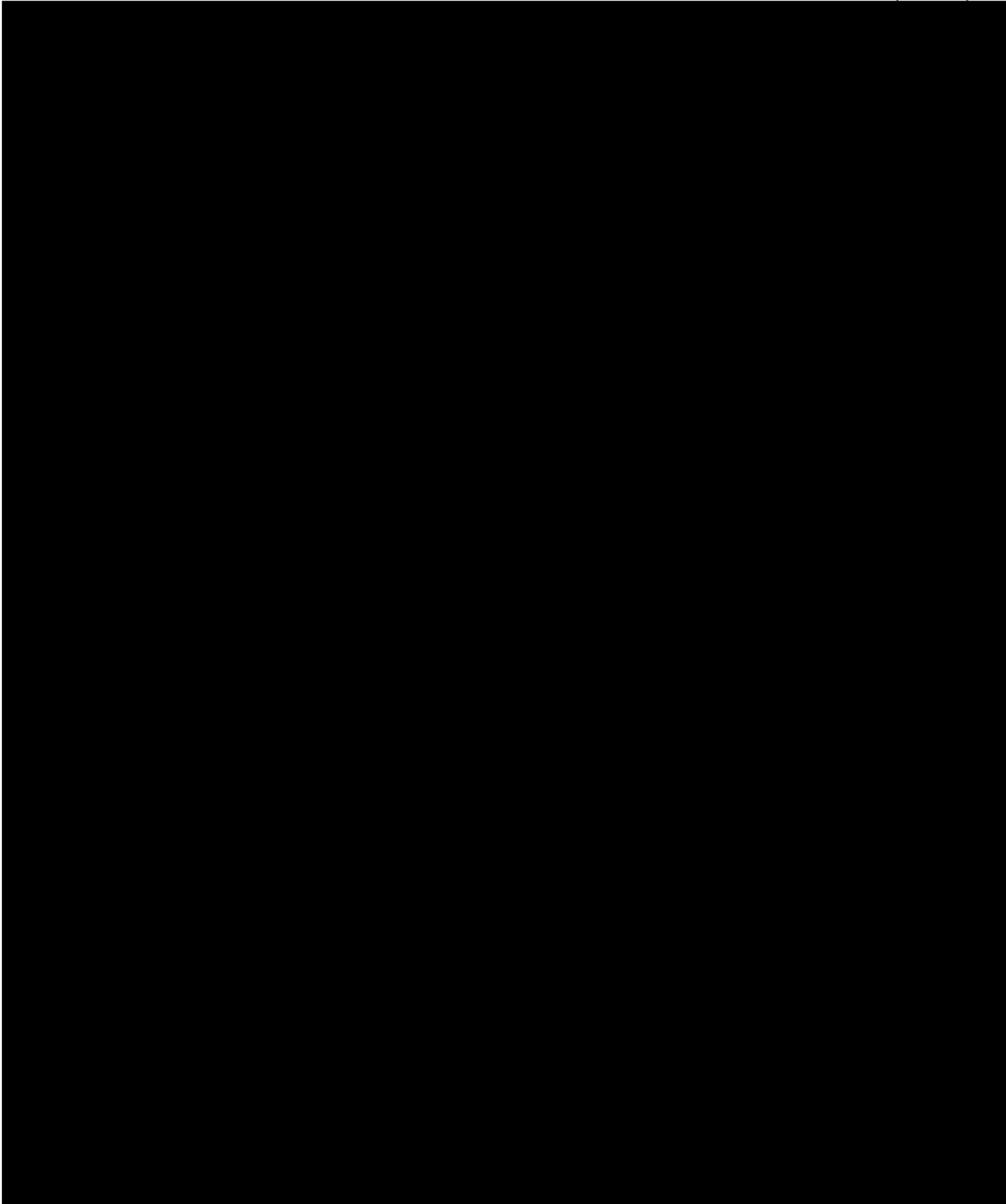


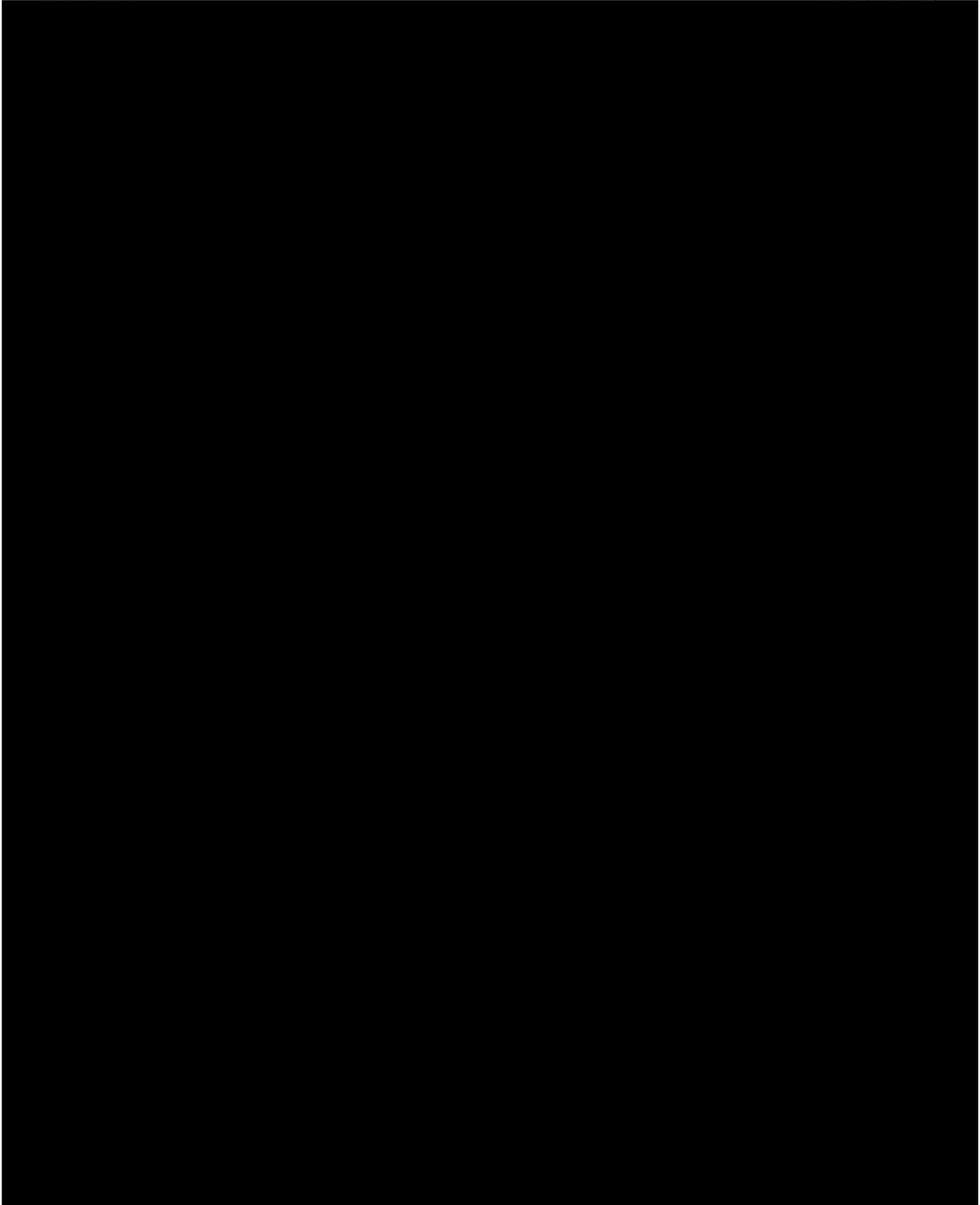


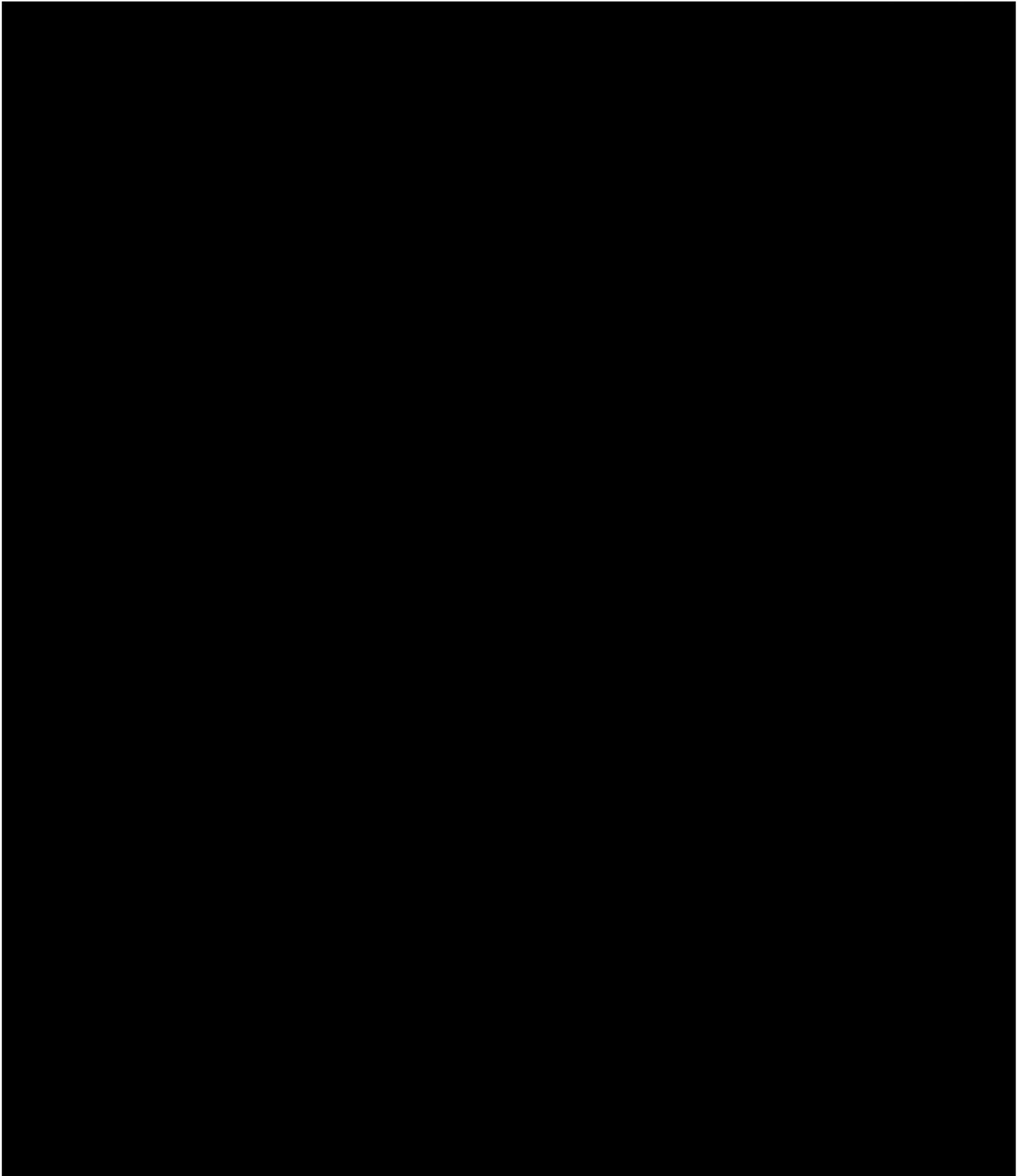
**Q12 In your own words, what will help
OutServe-SLDN continue to be a strong and
viable organization?**

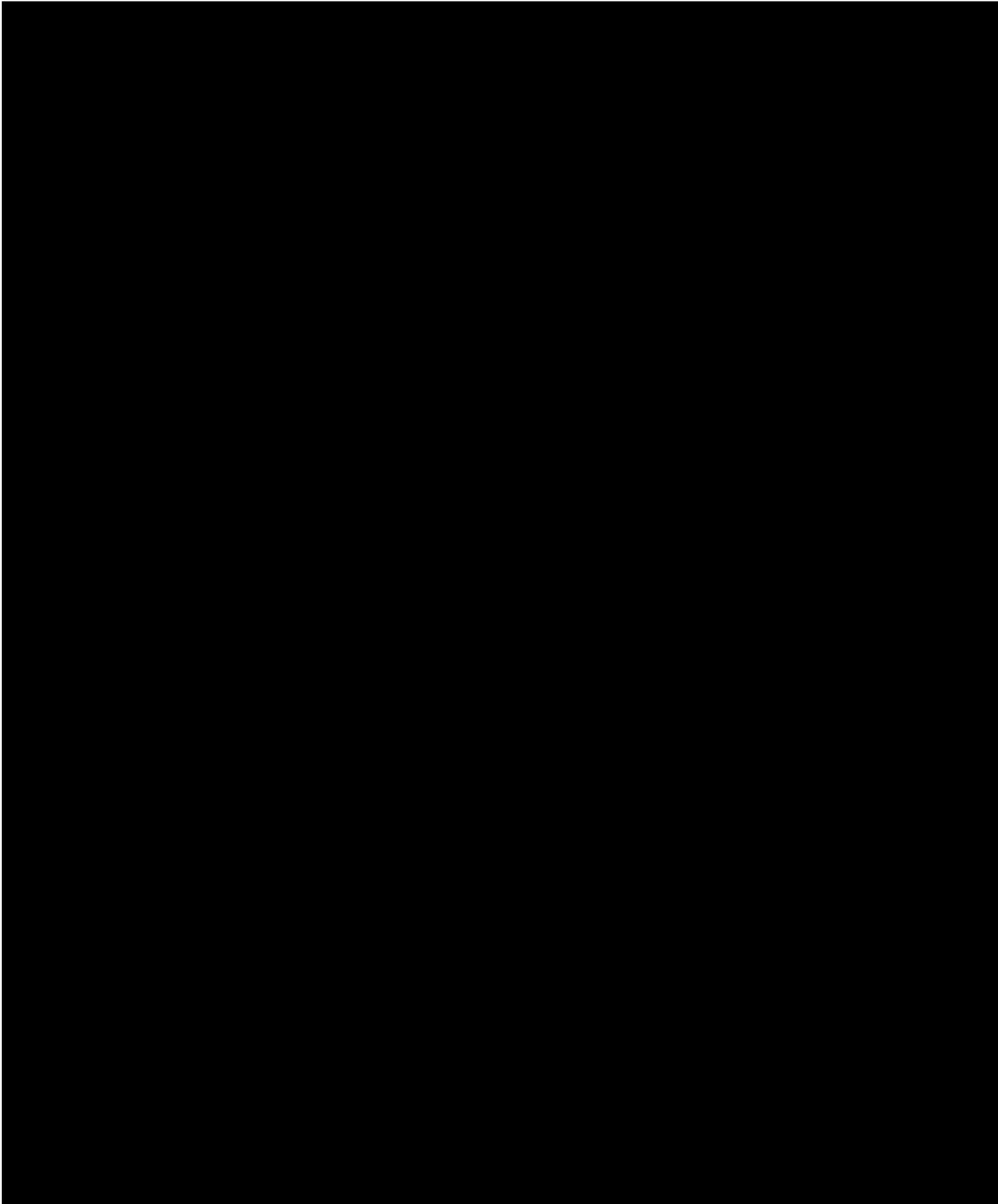
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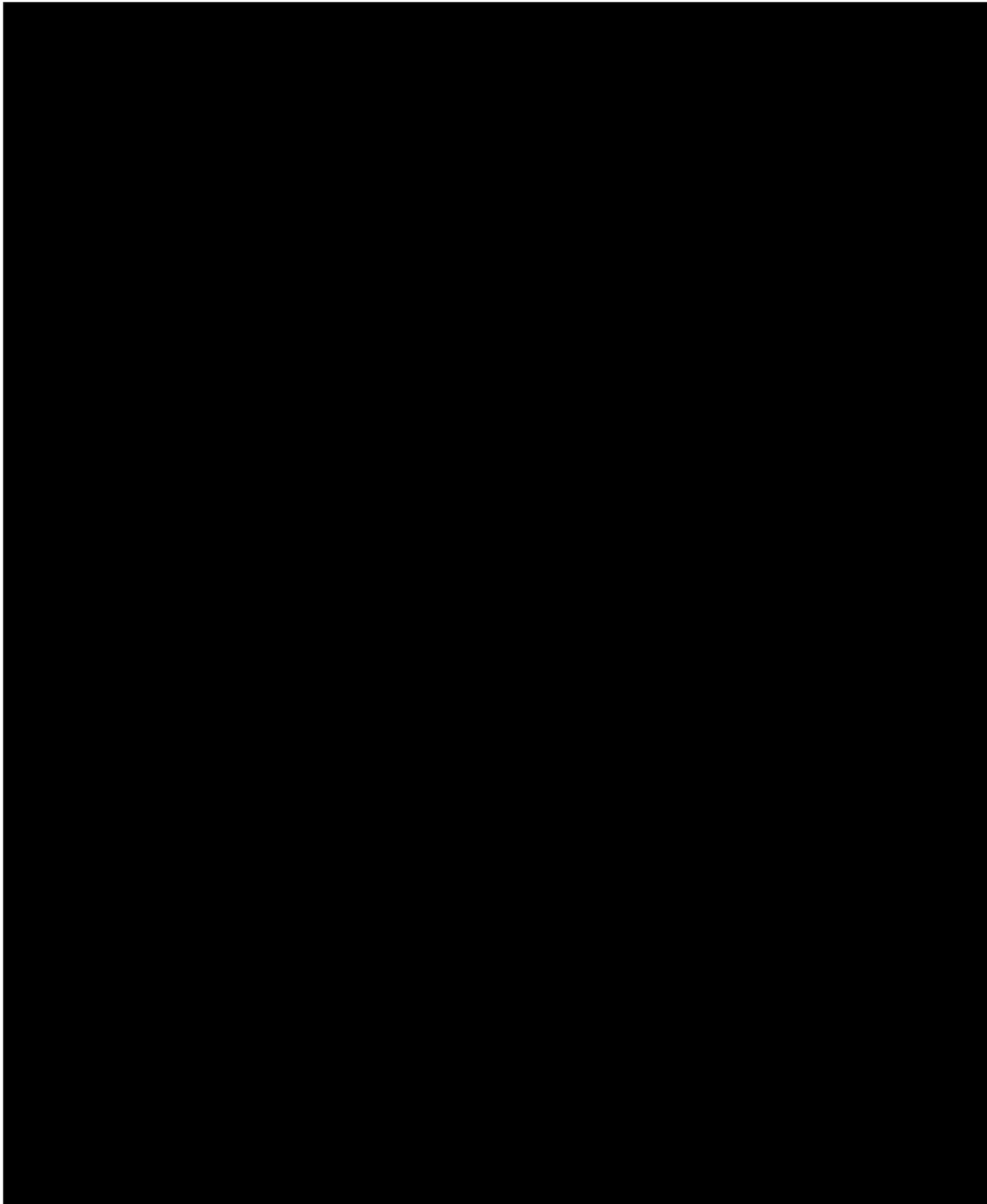


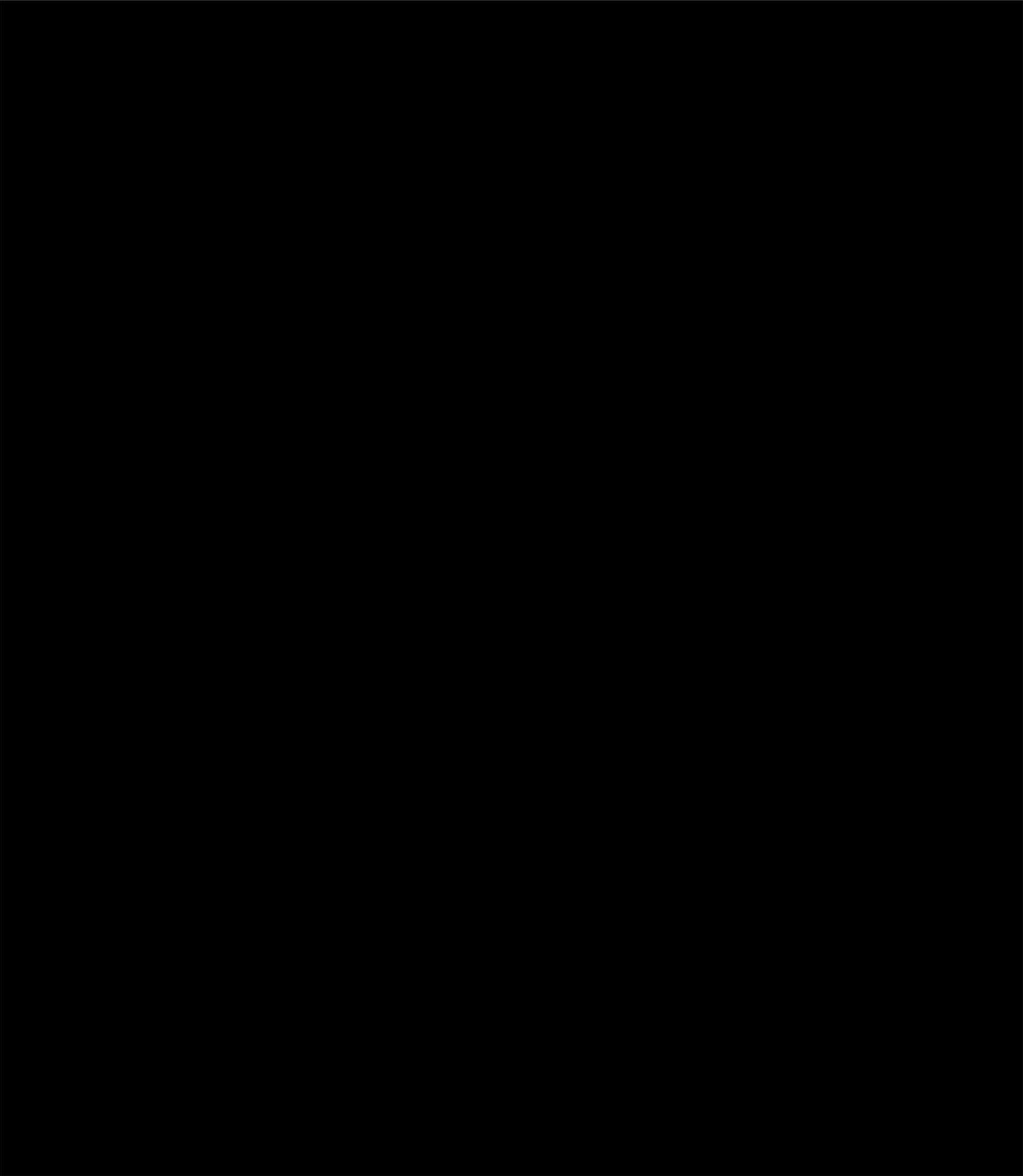


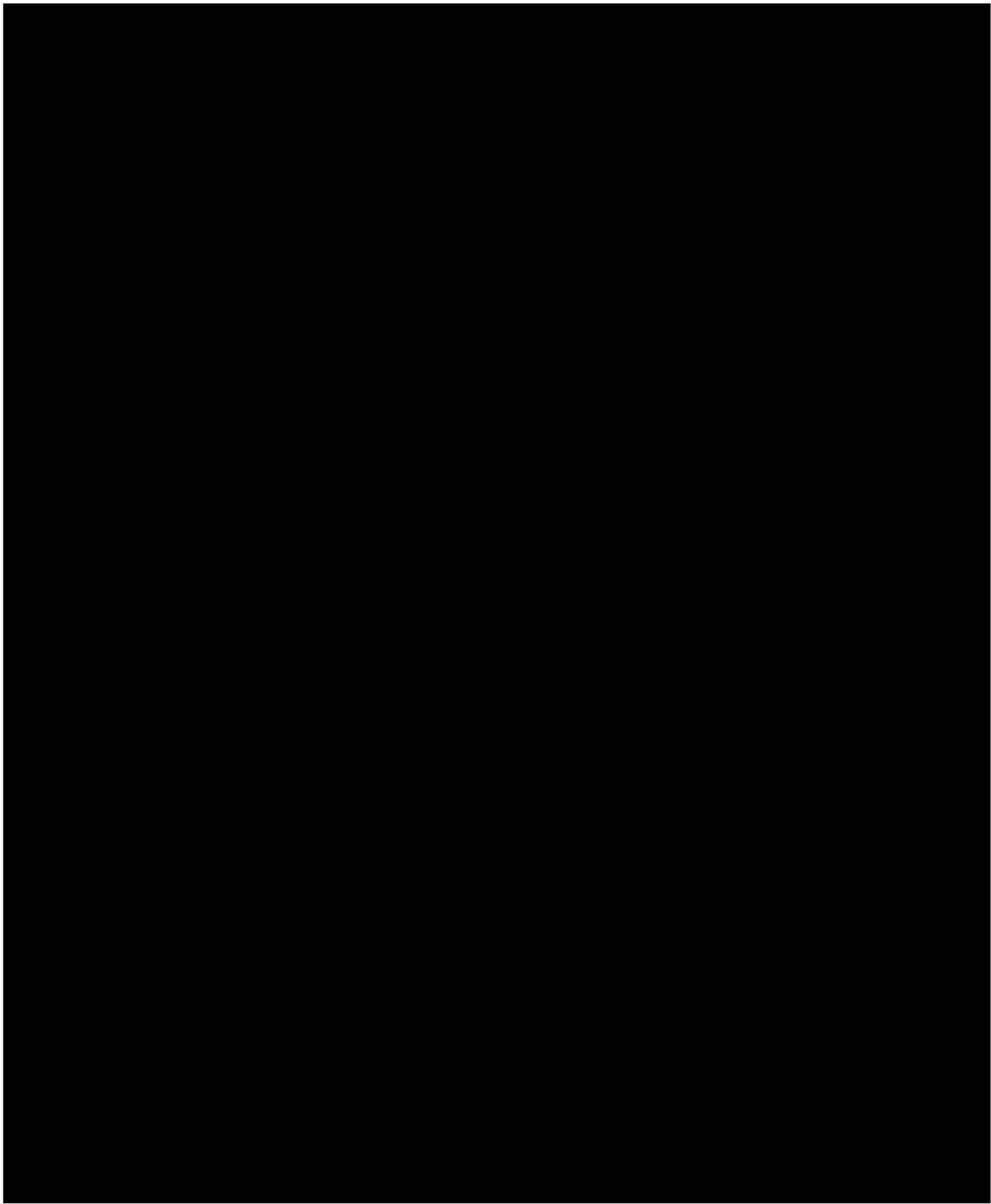


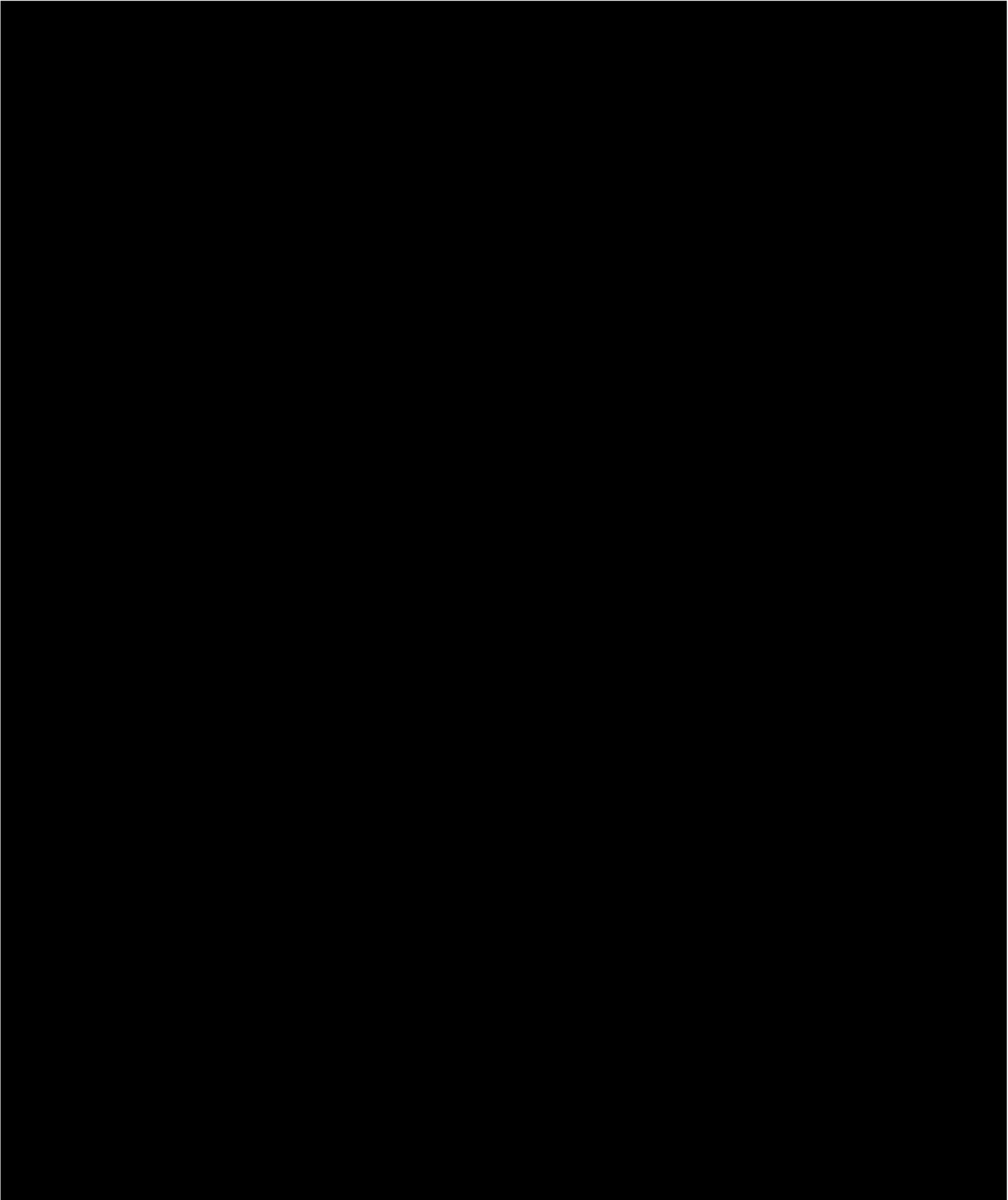


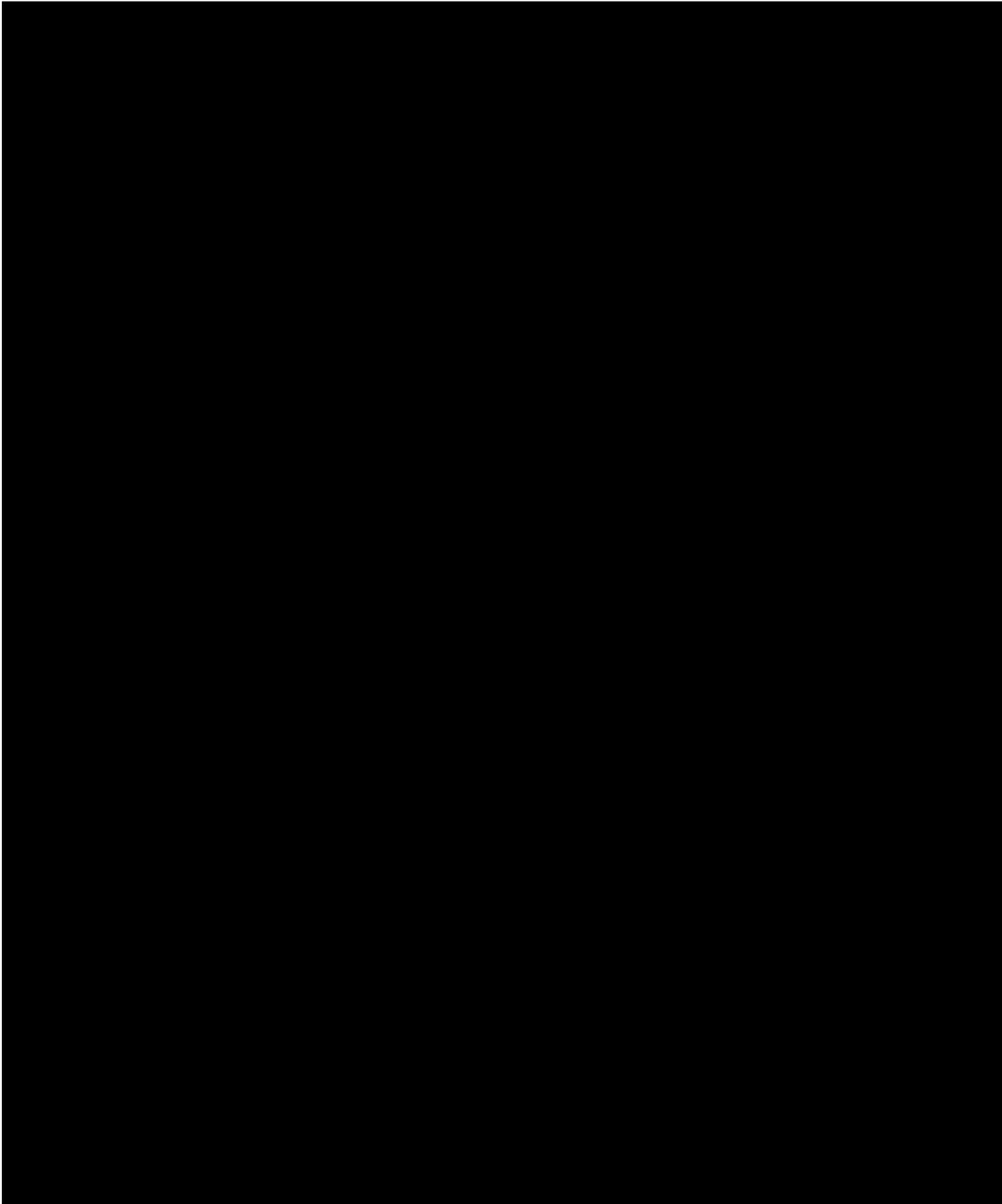


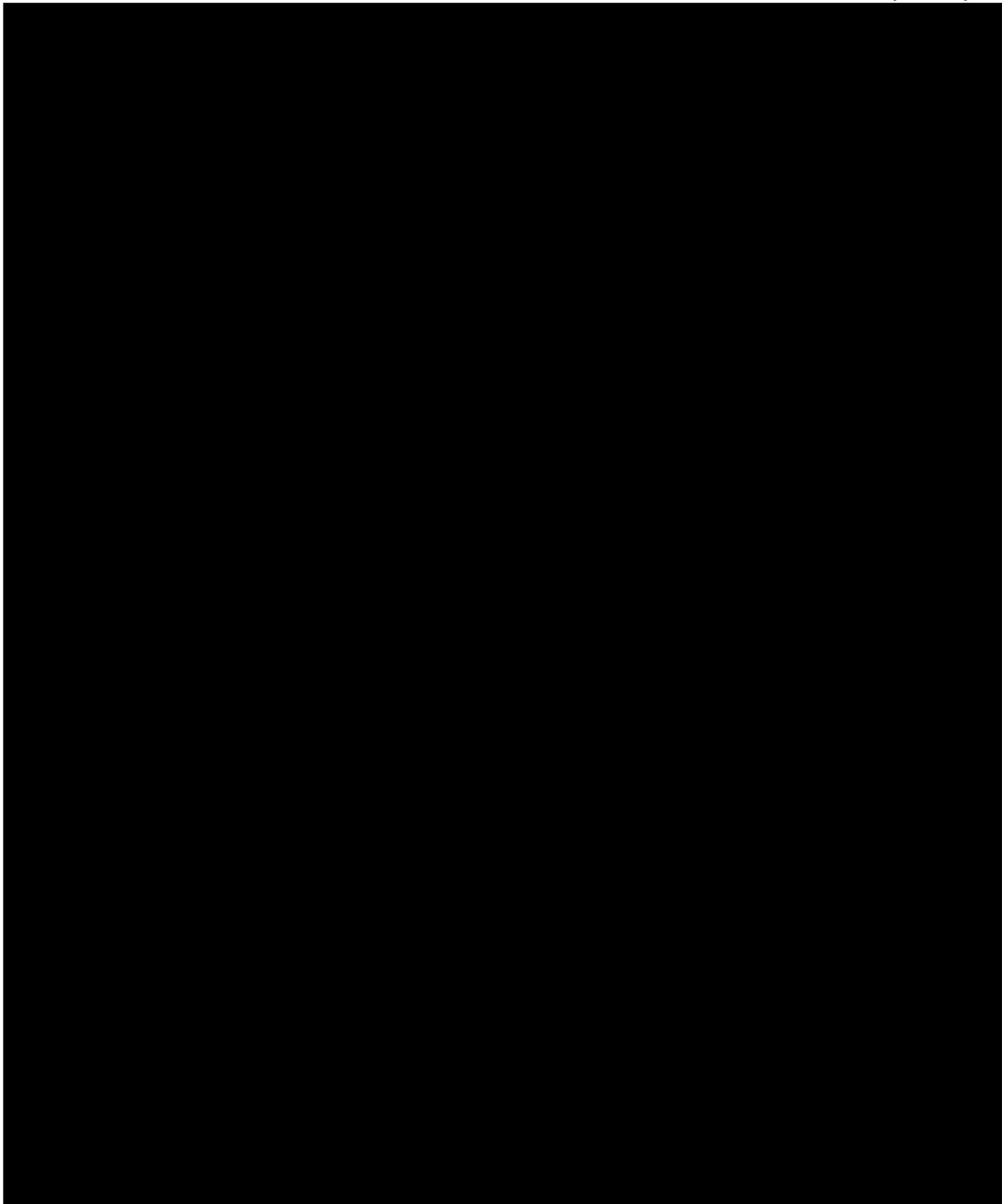


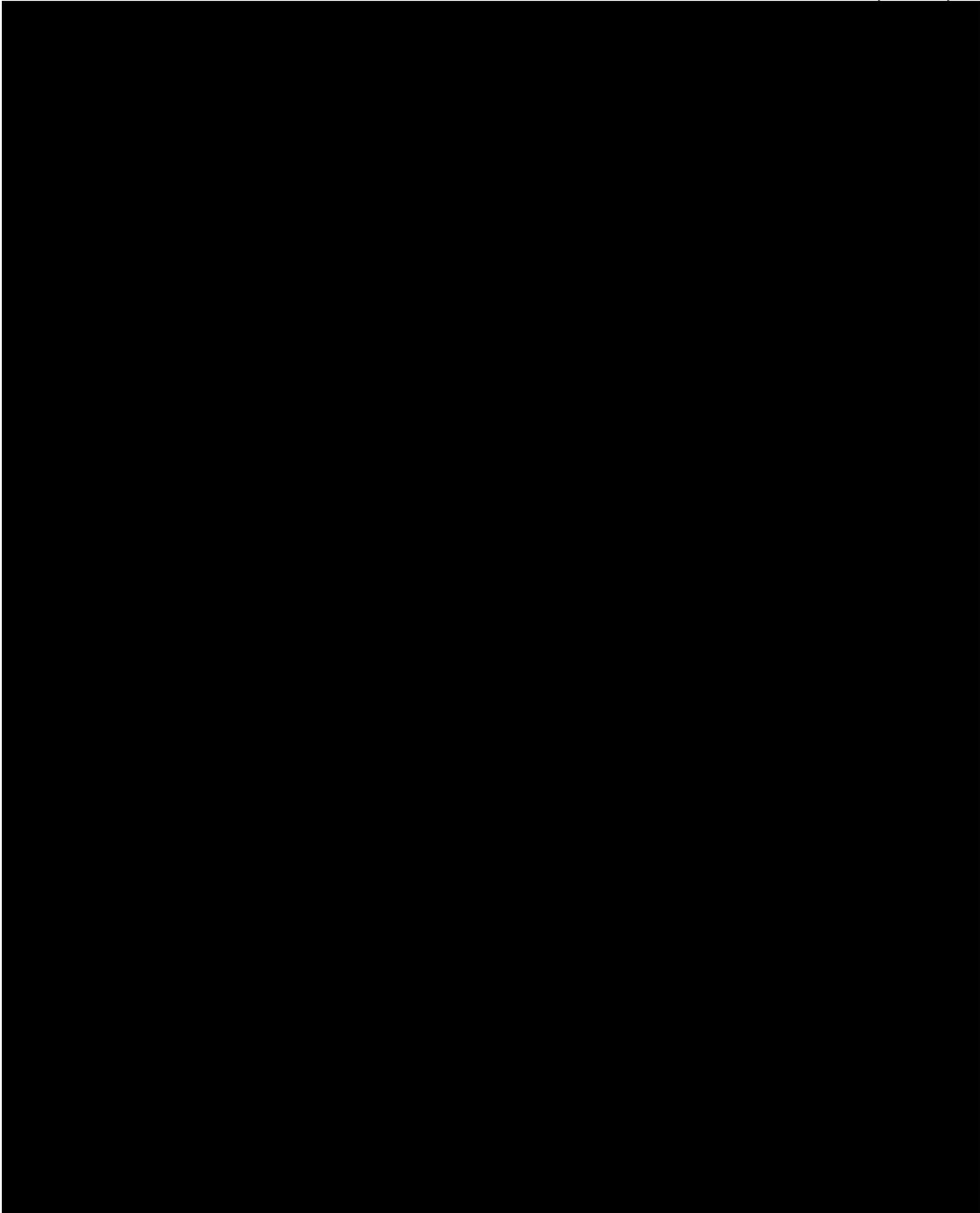


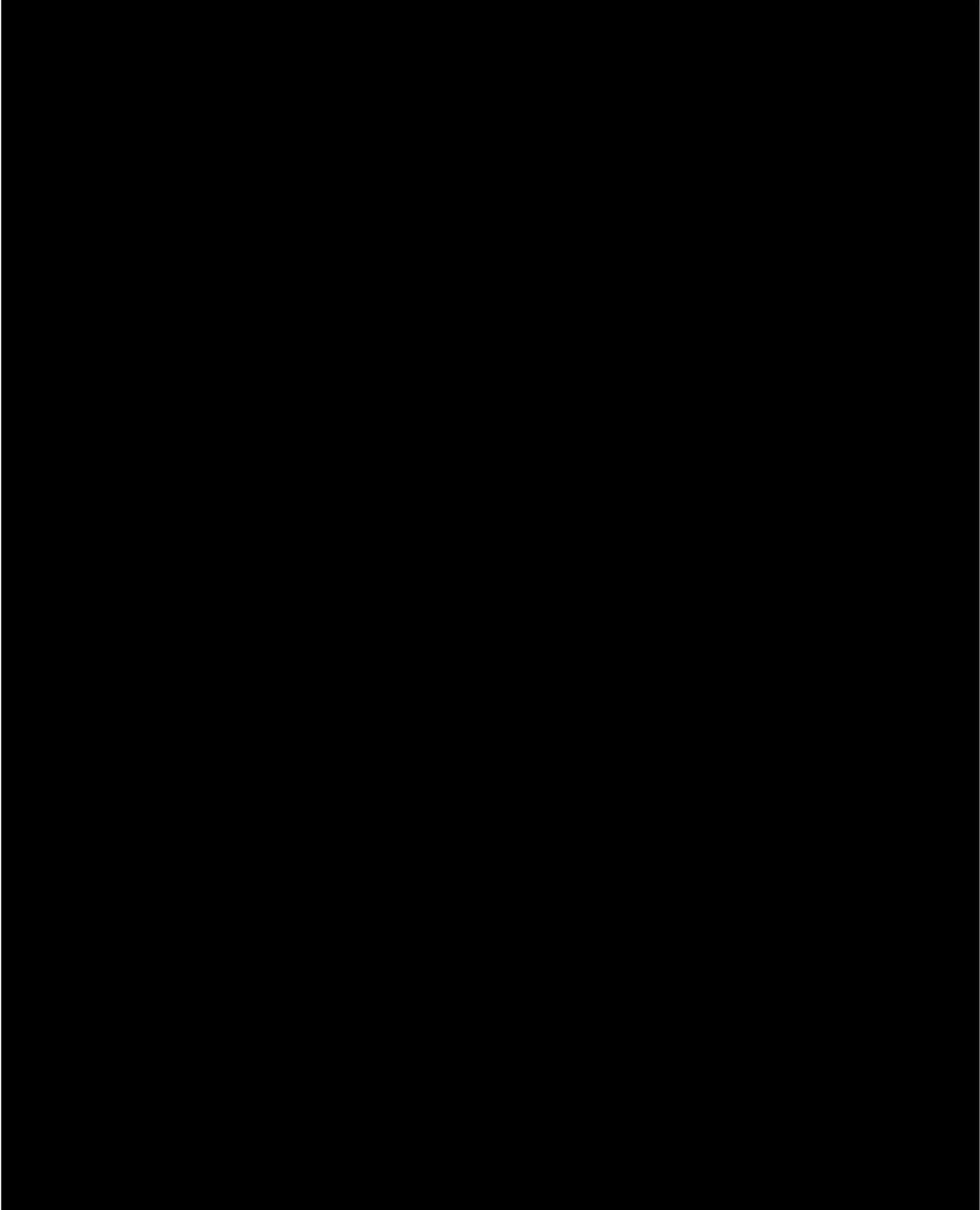


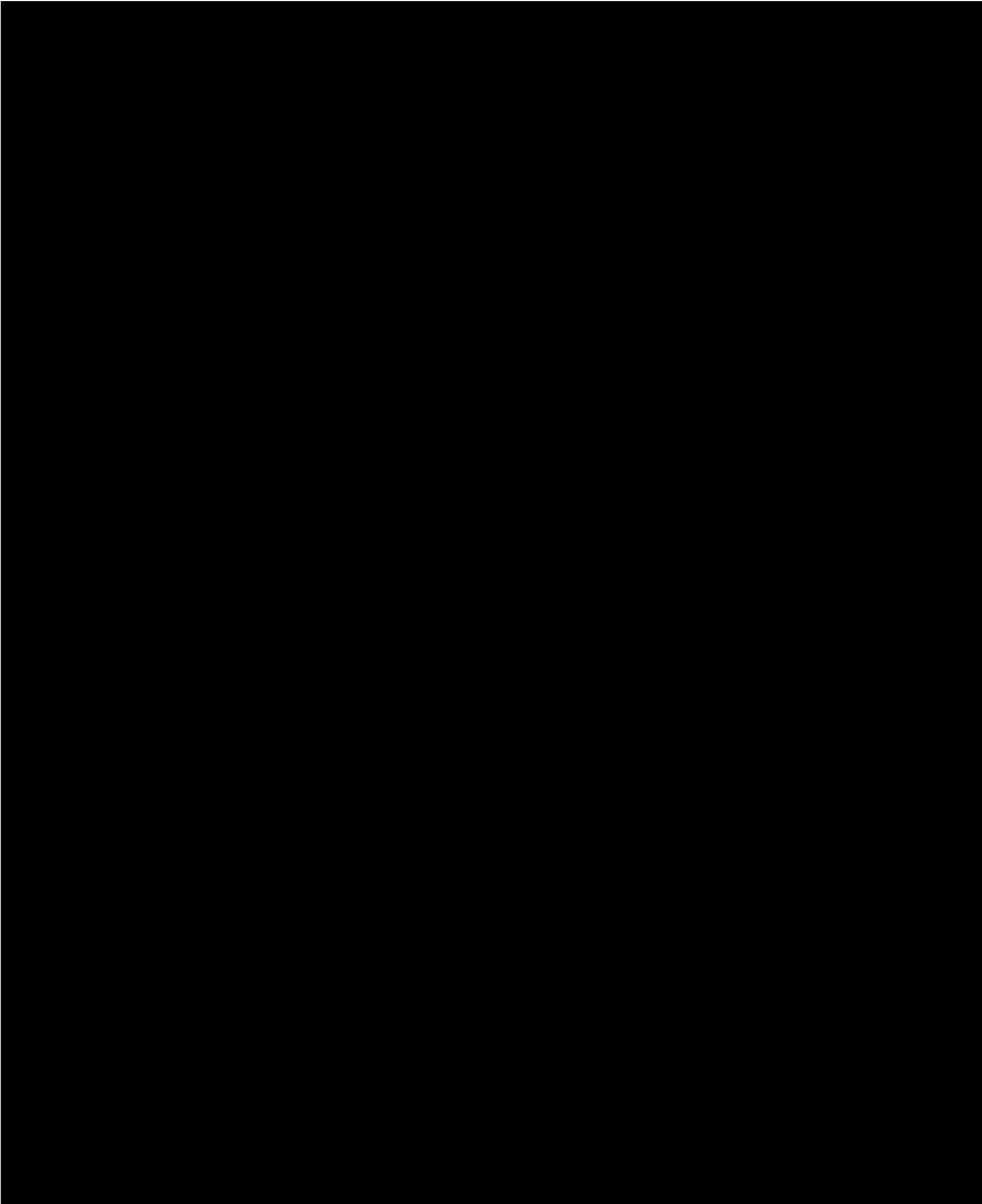


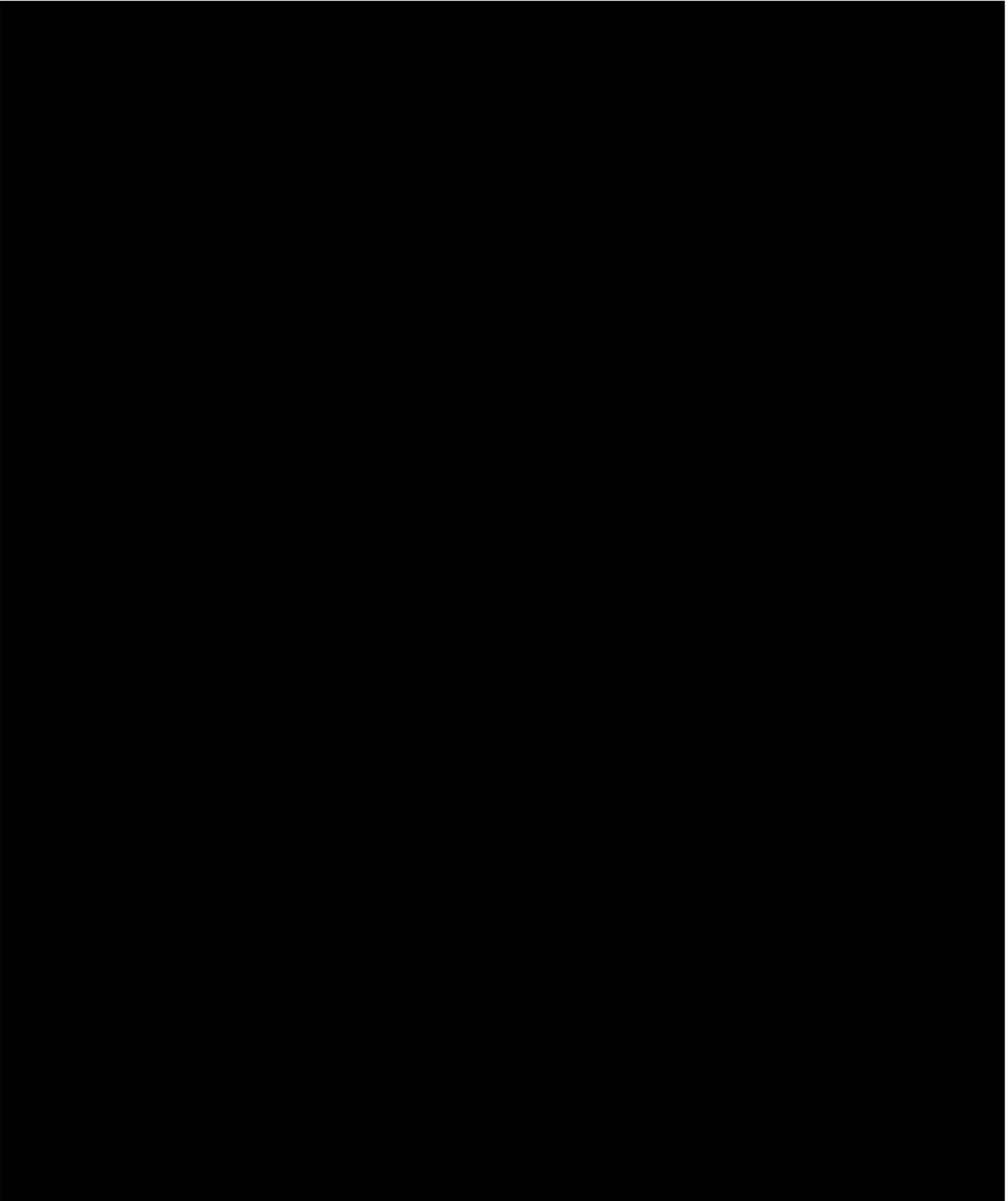


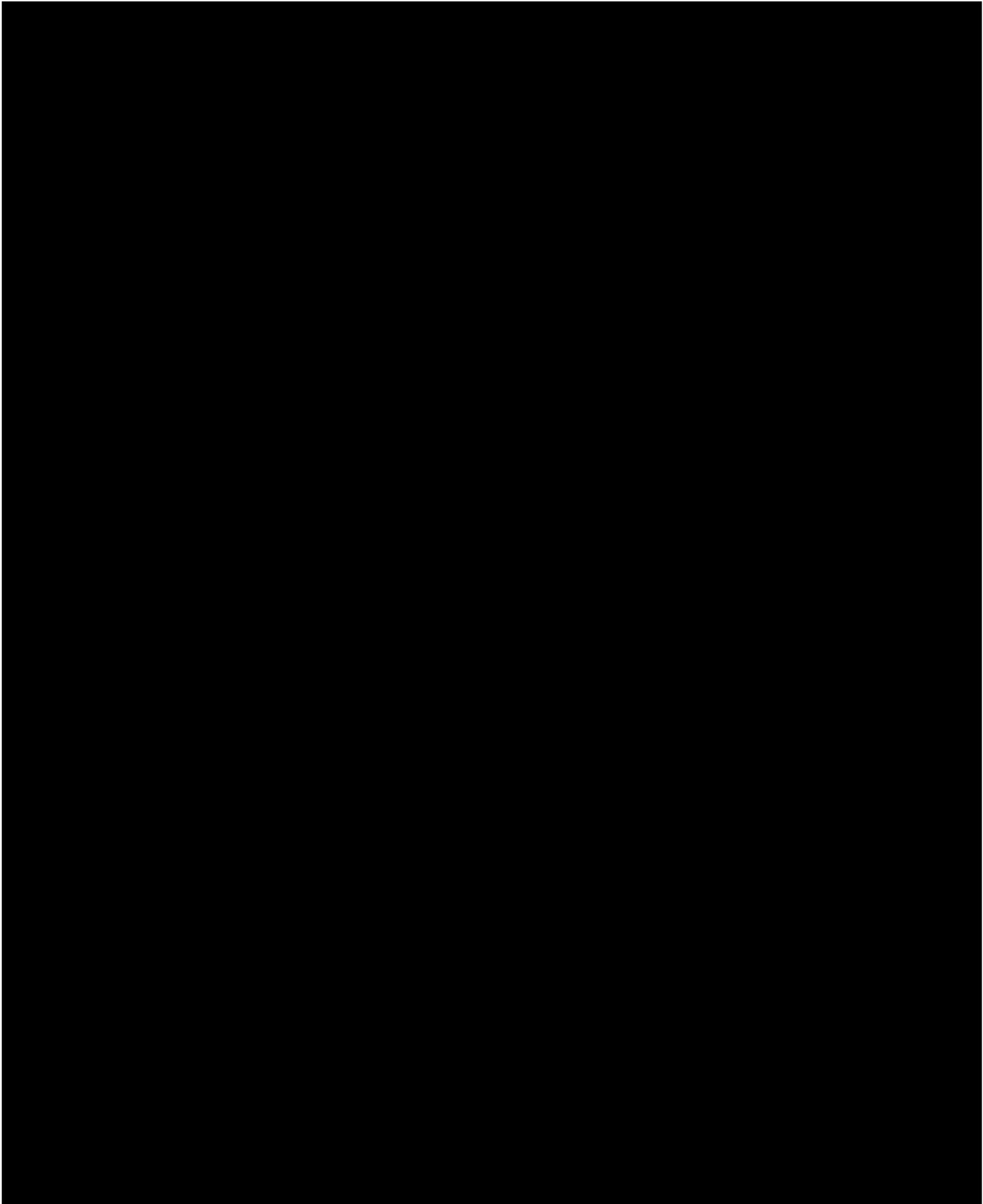


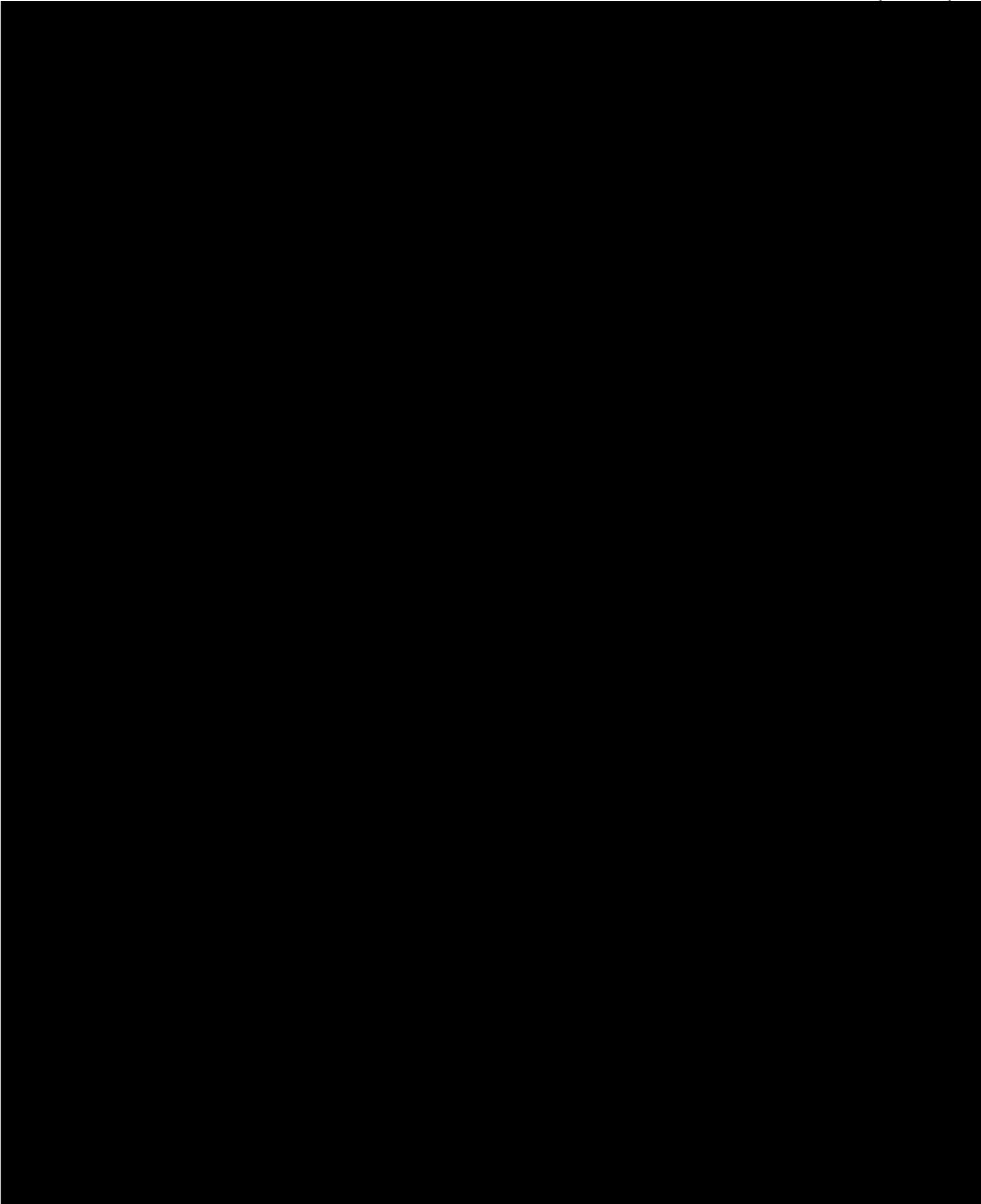


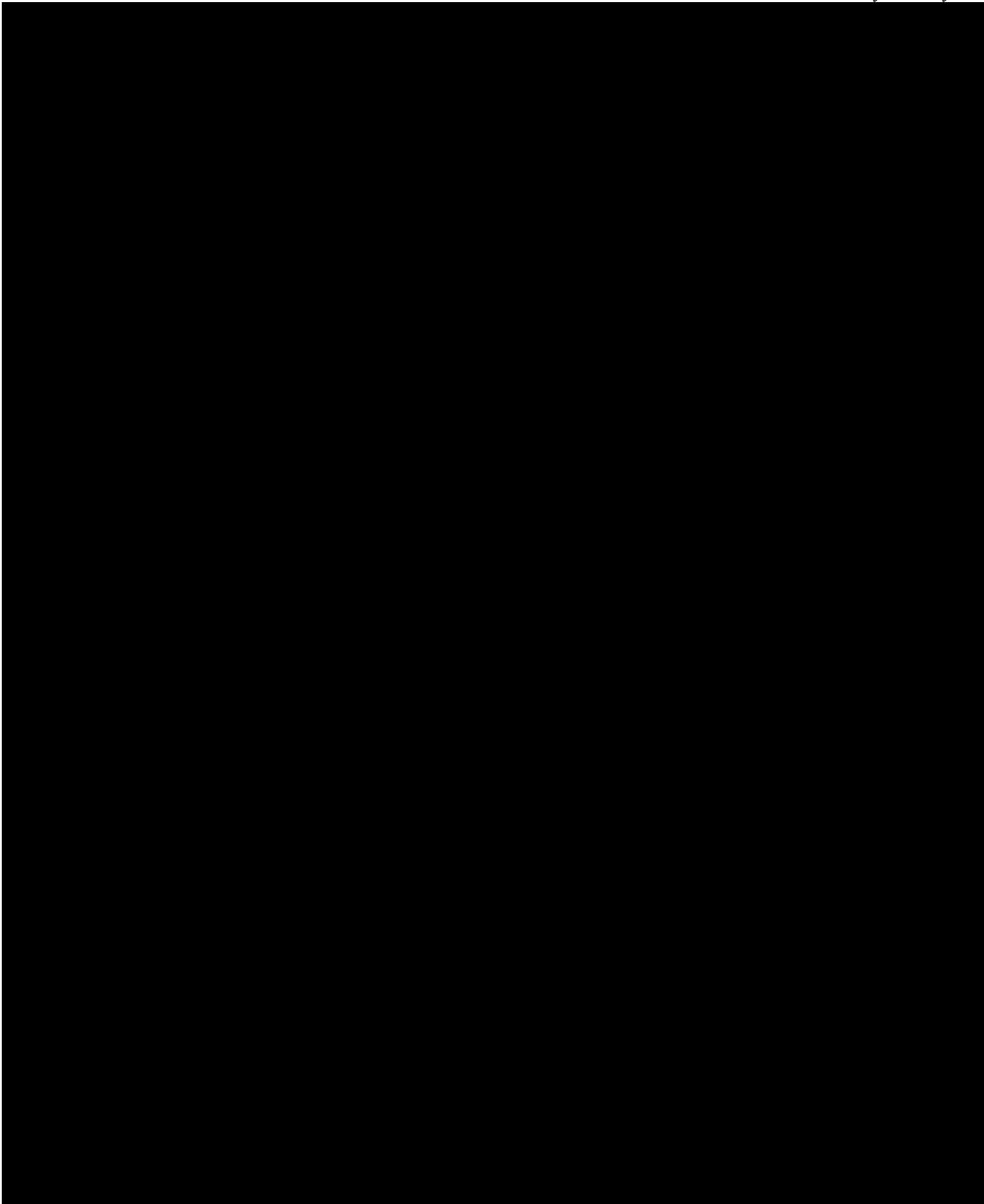


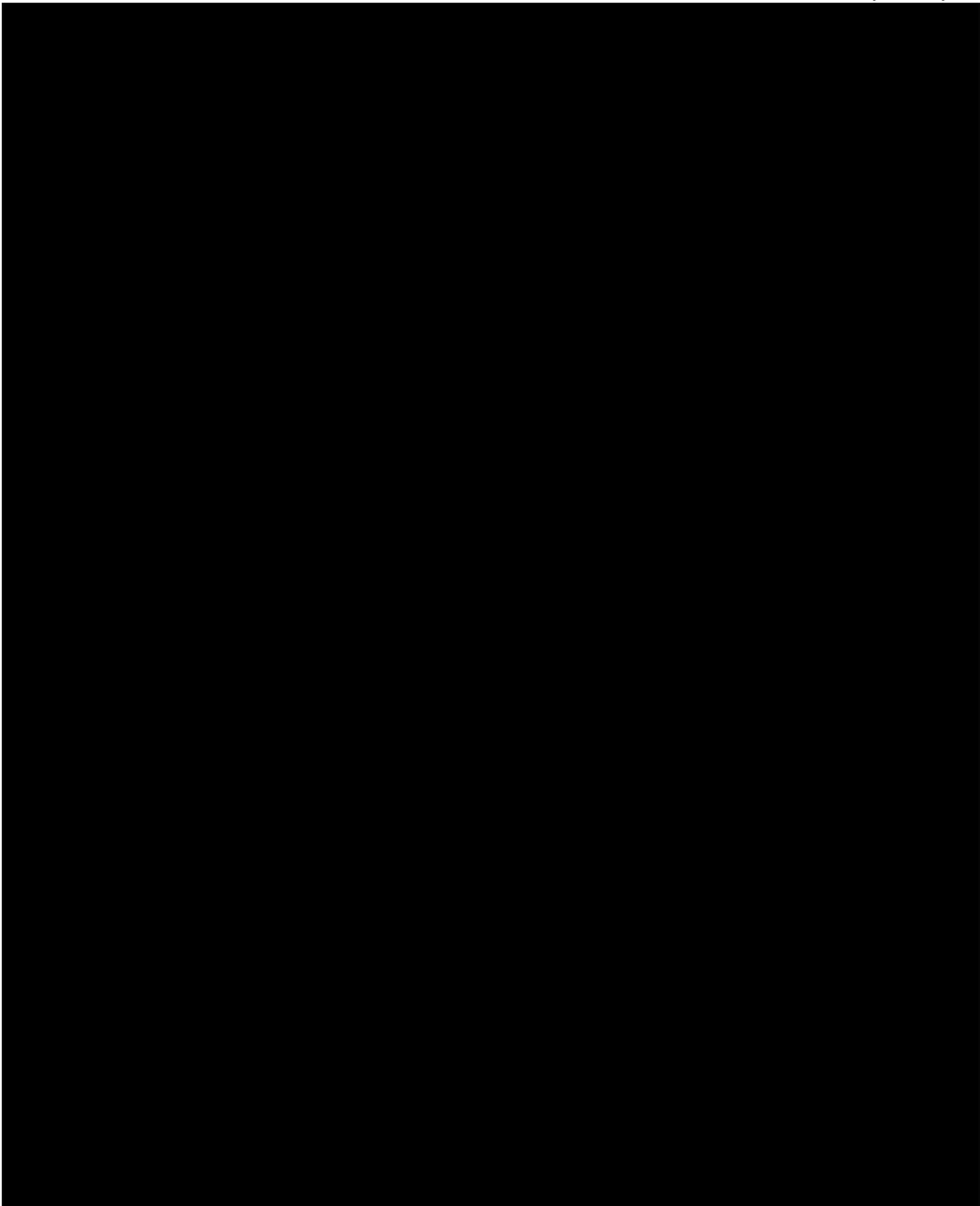


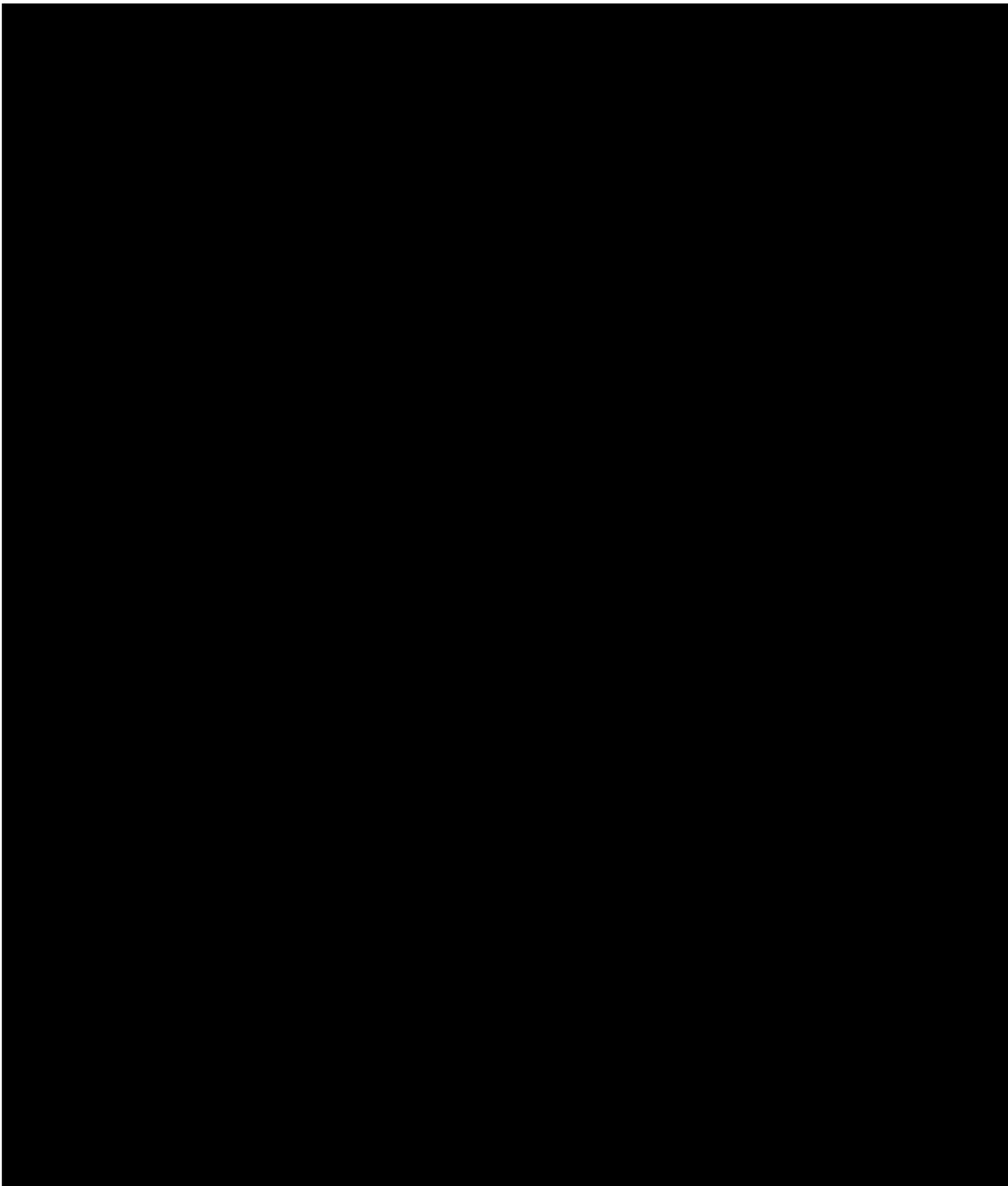


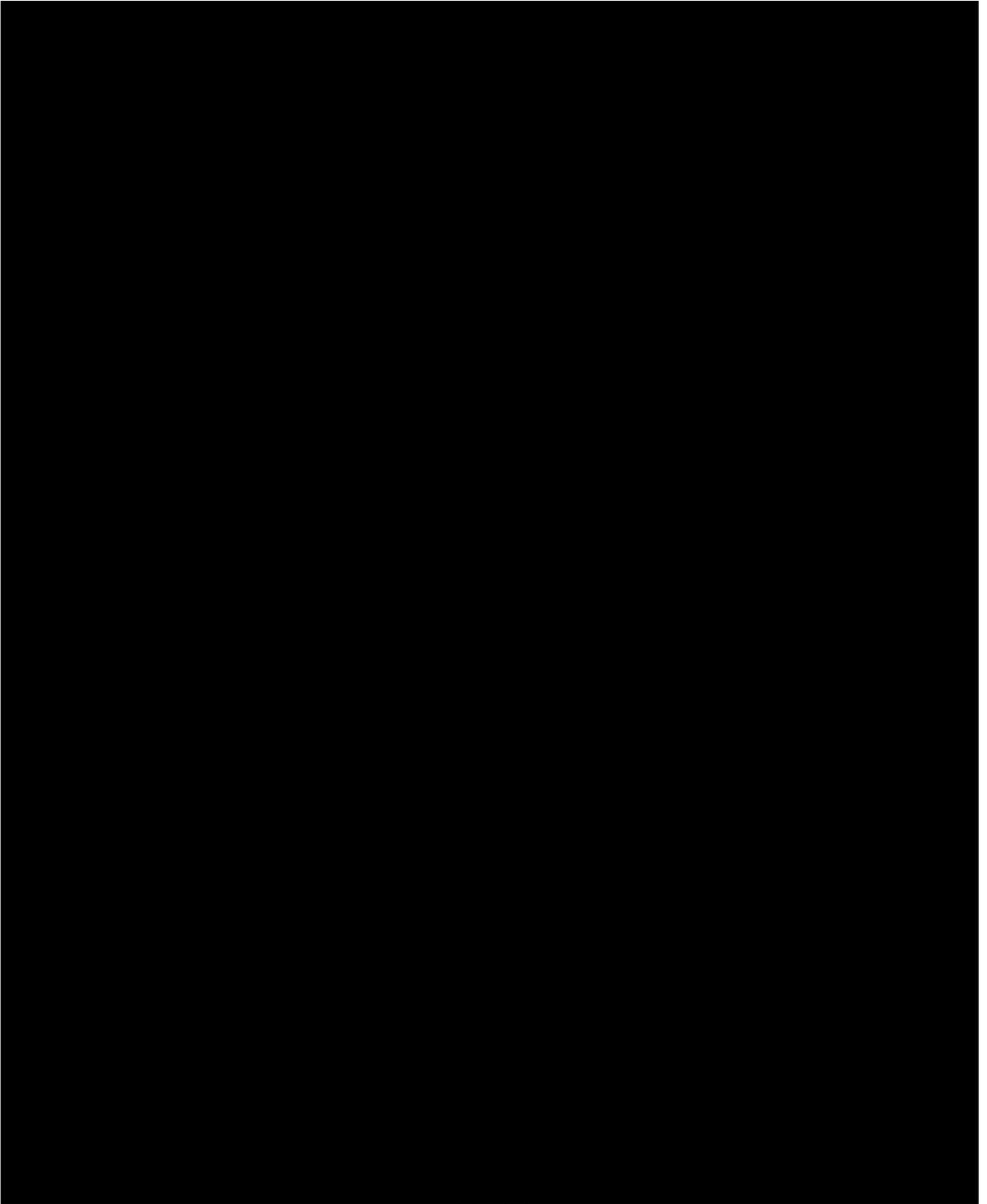


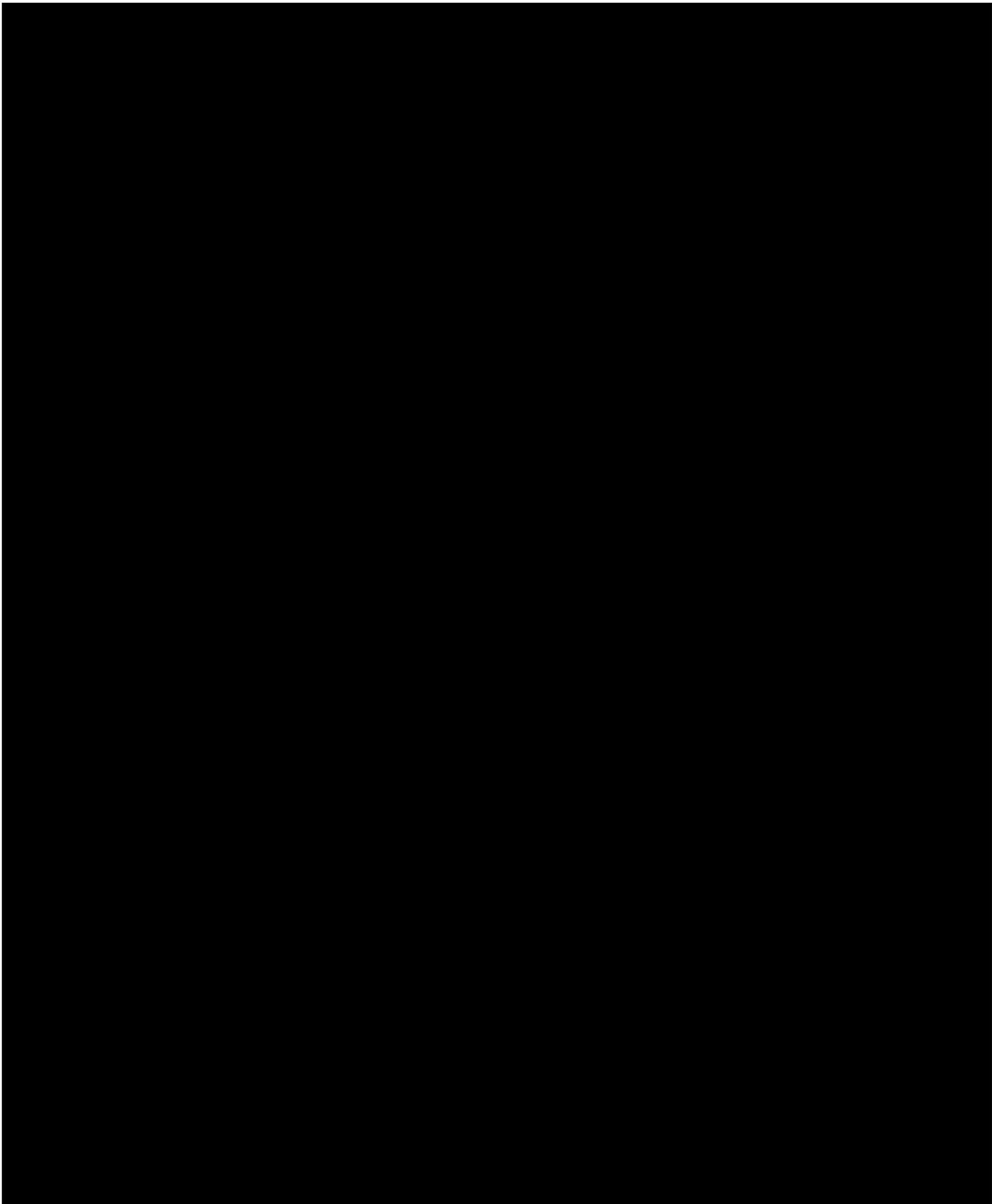


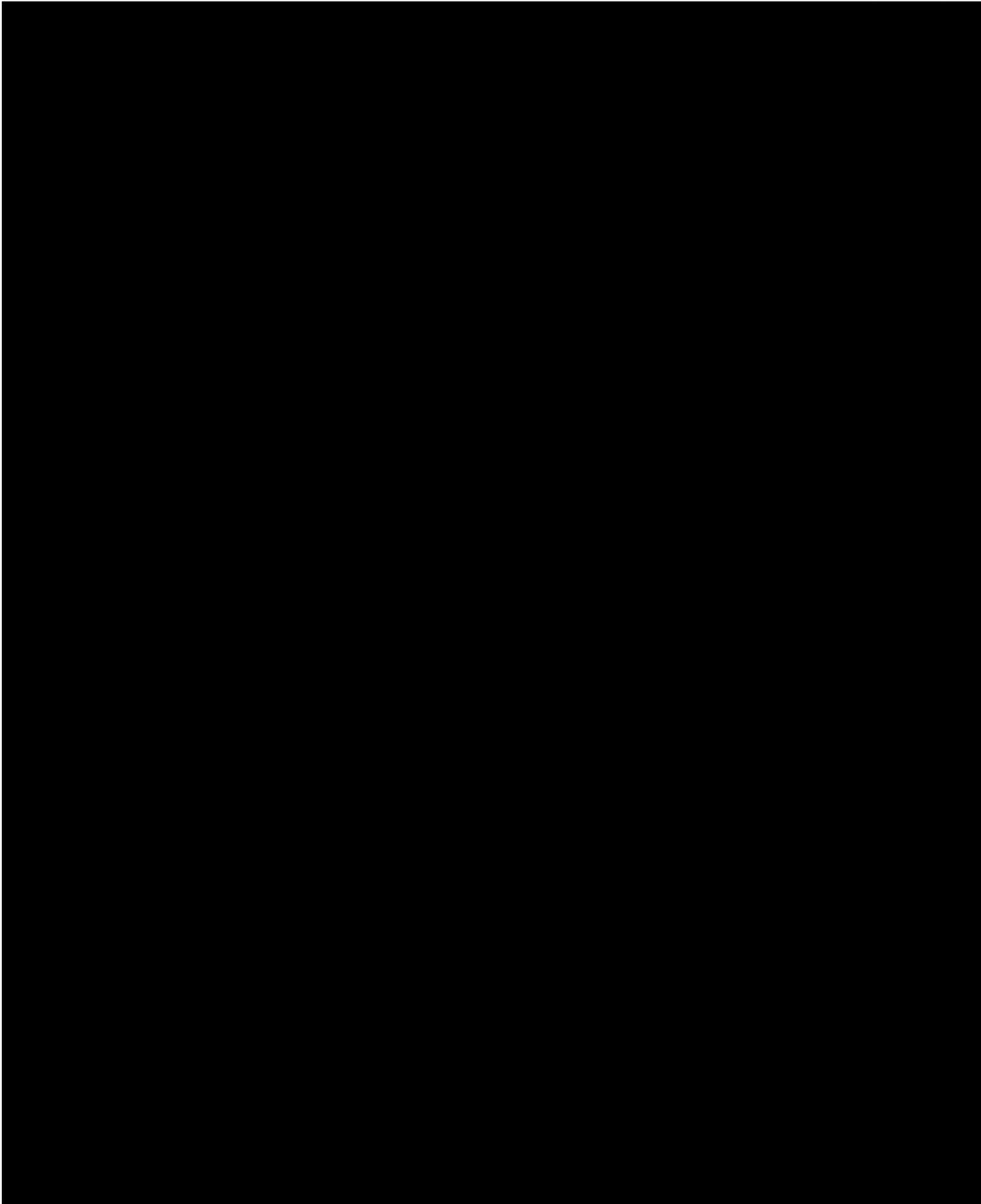


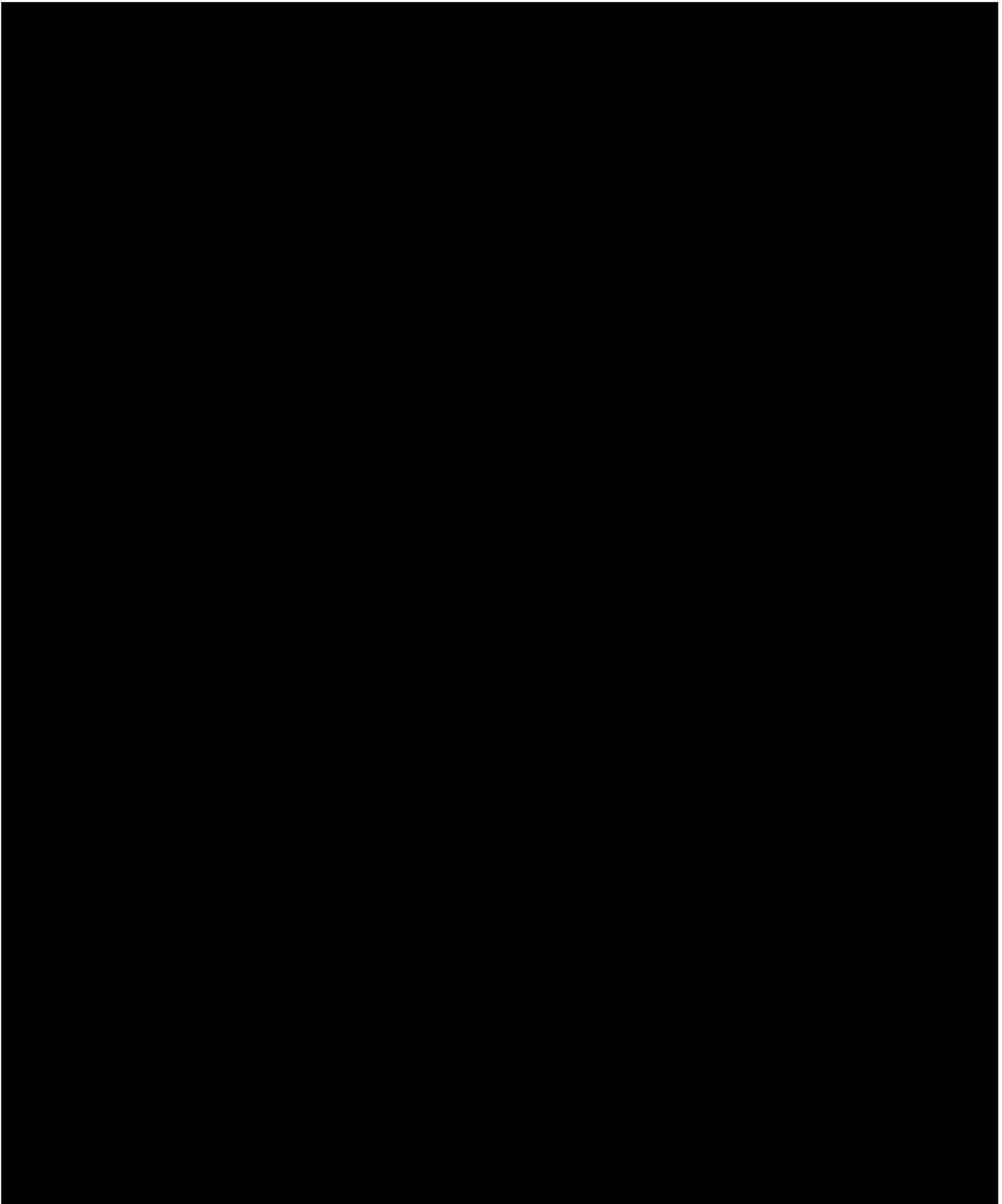


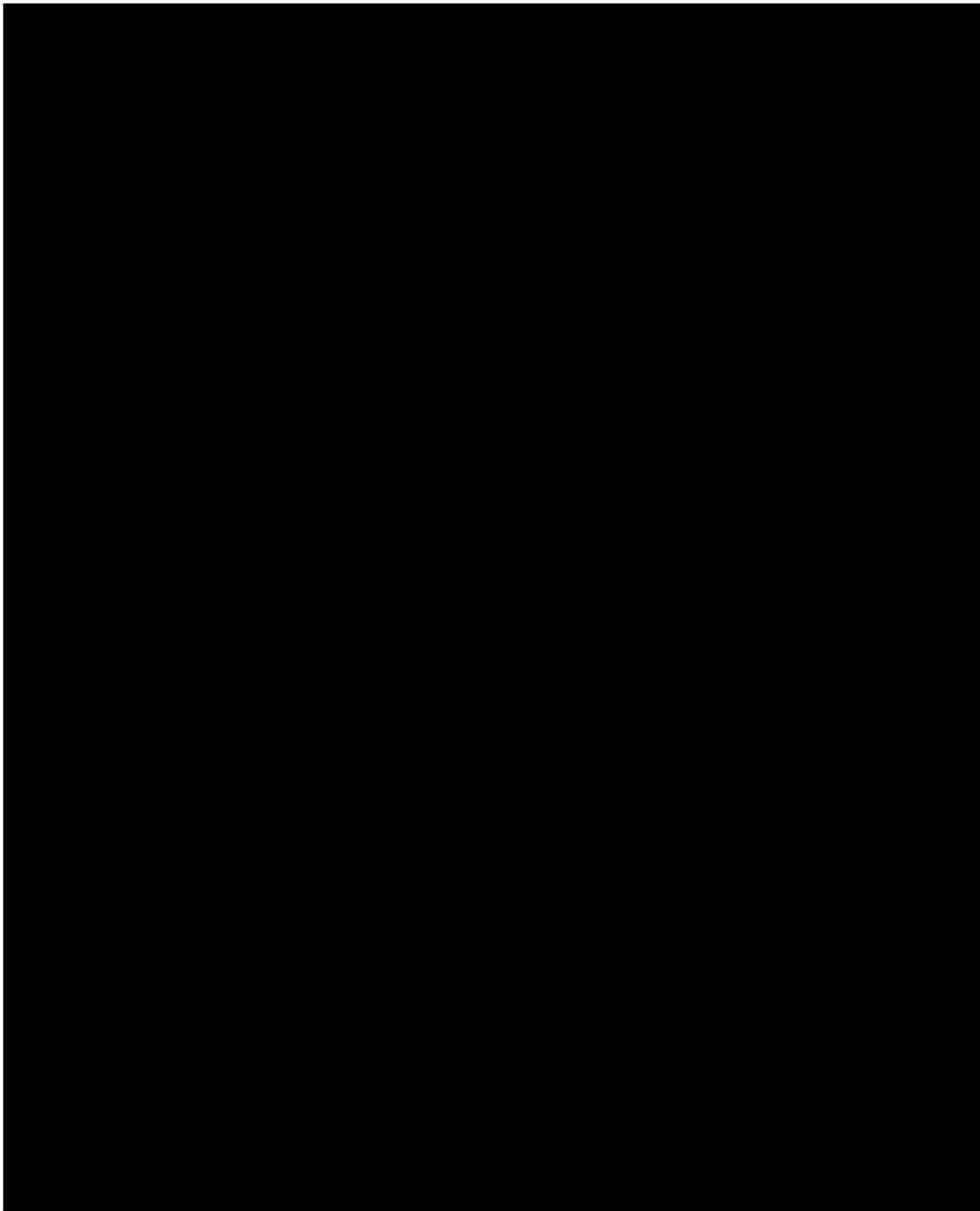


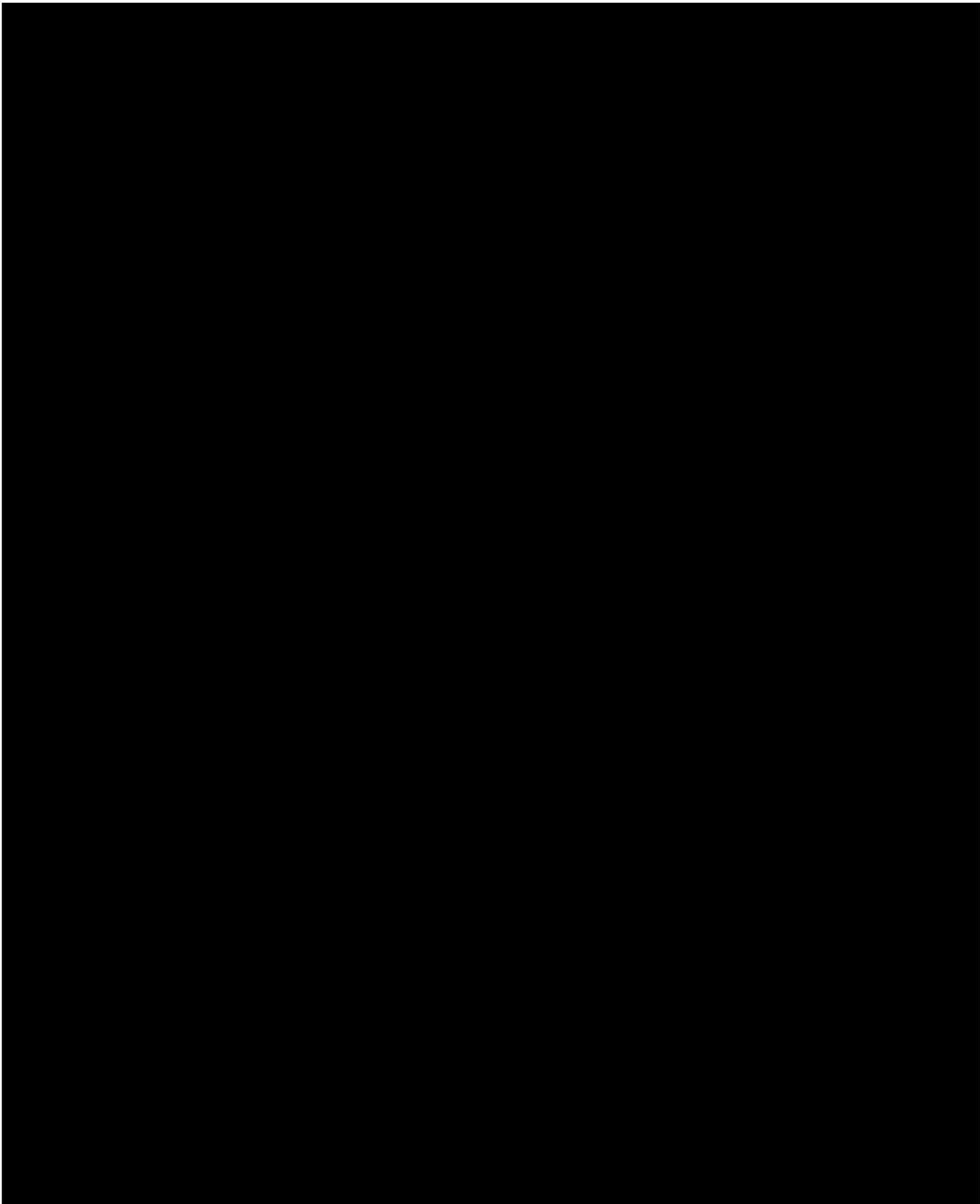


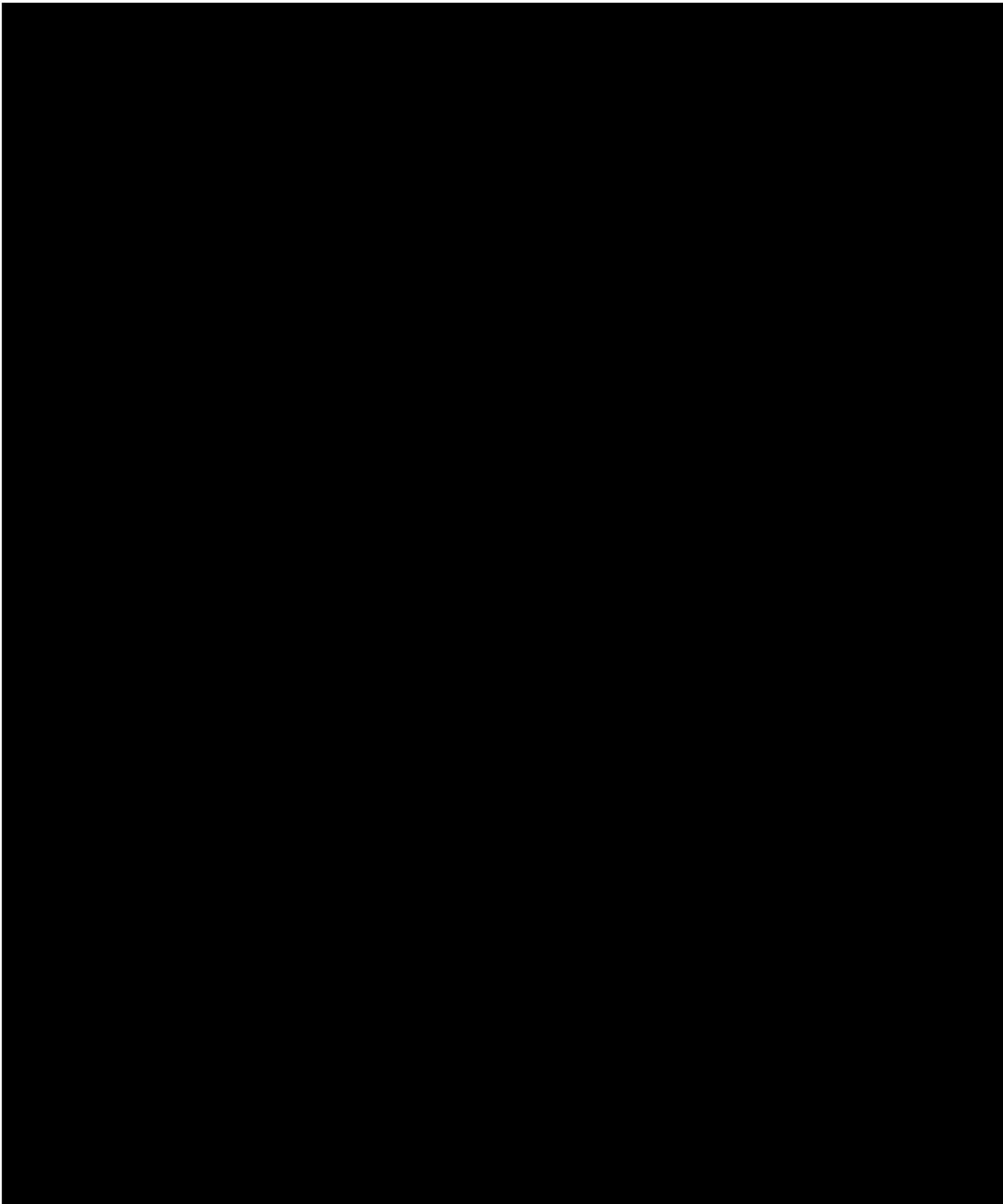


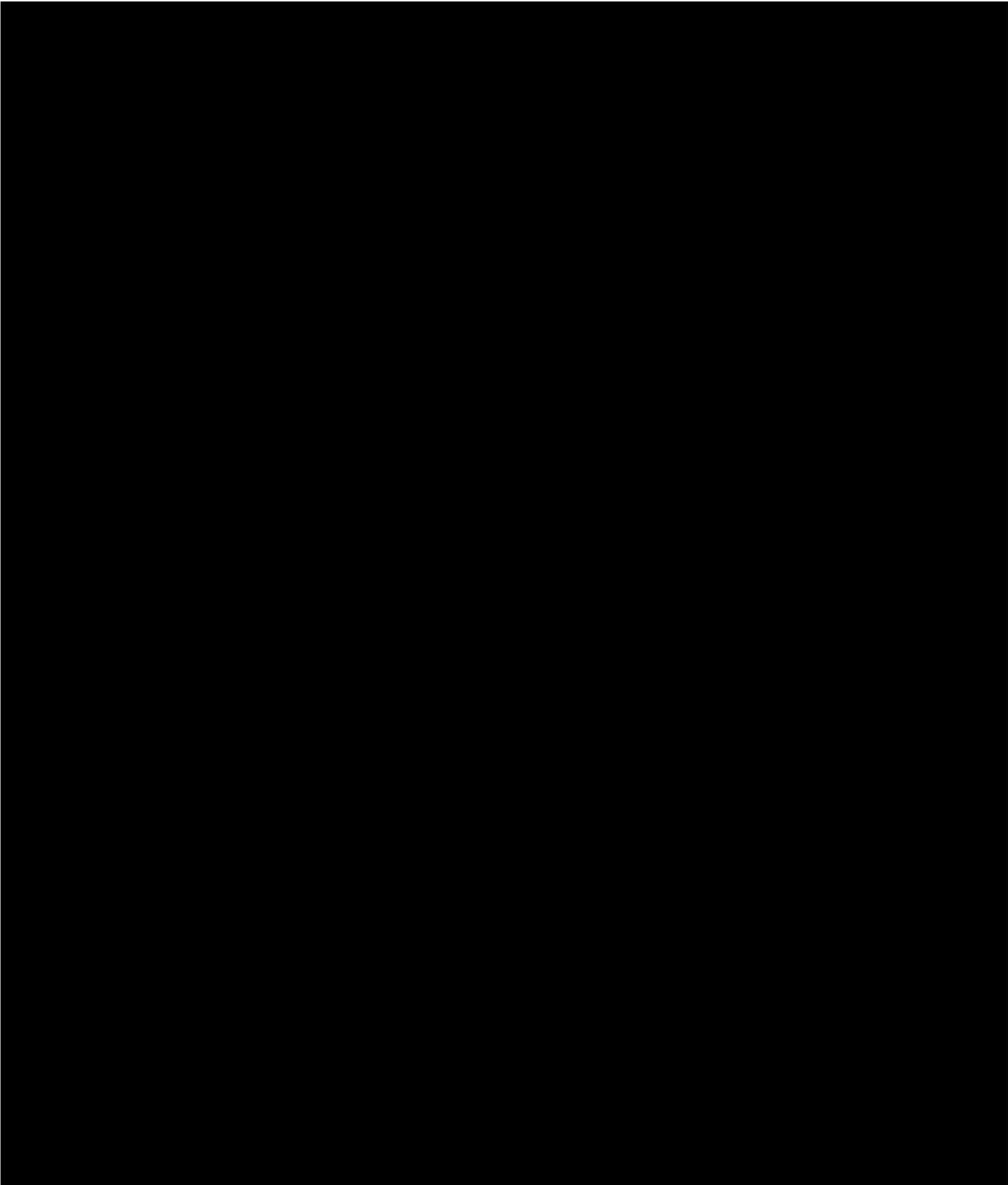


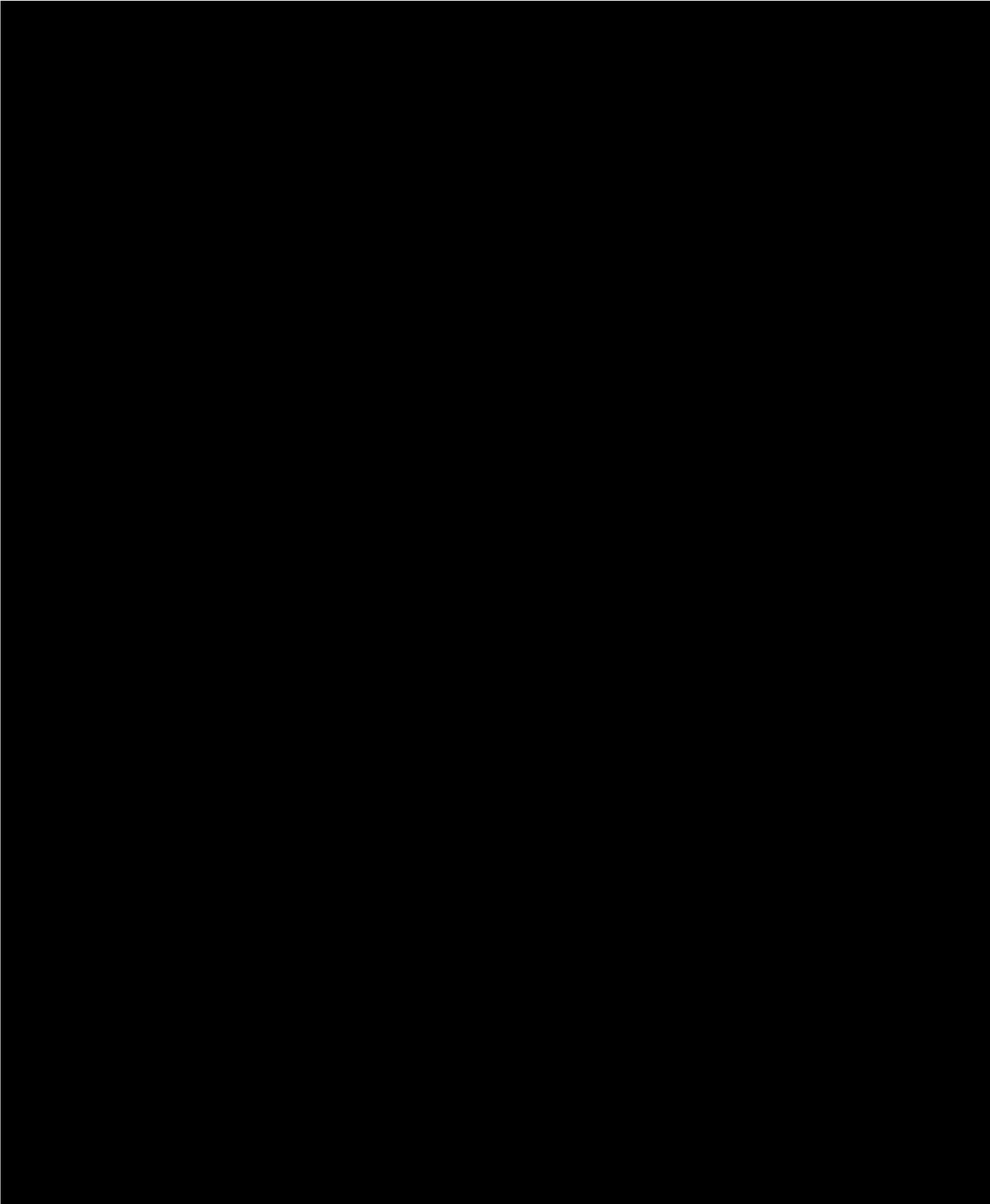


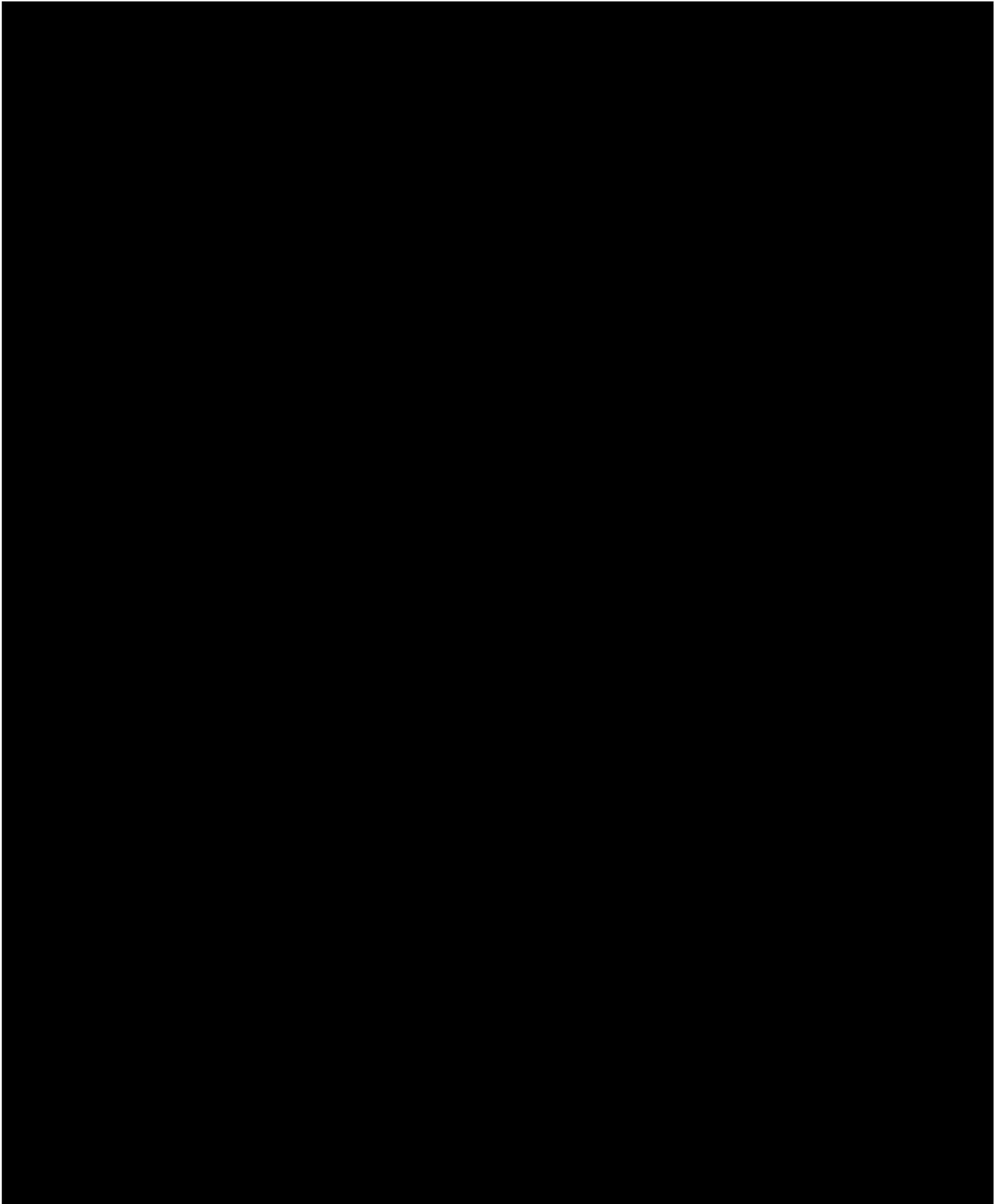


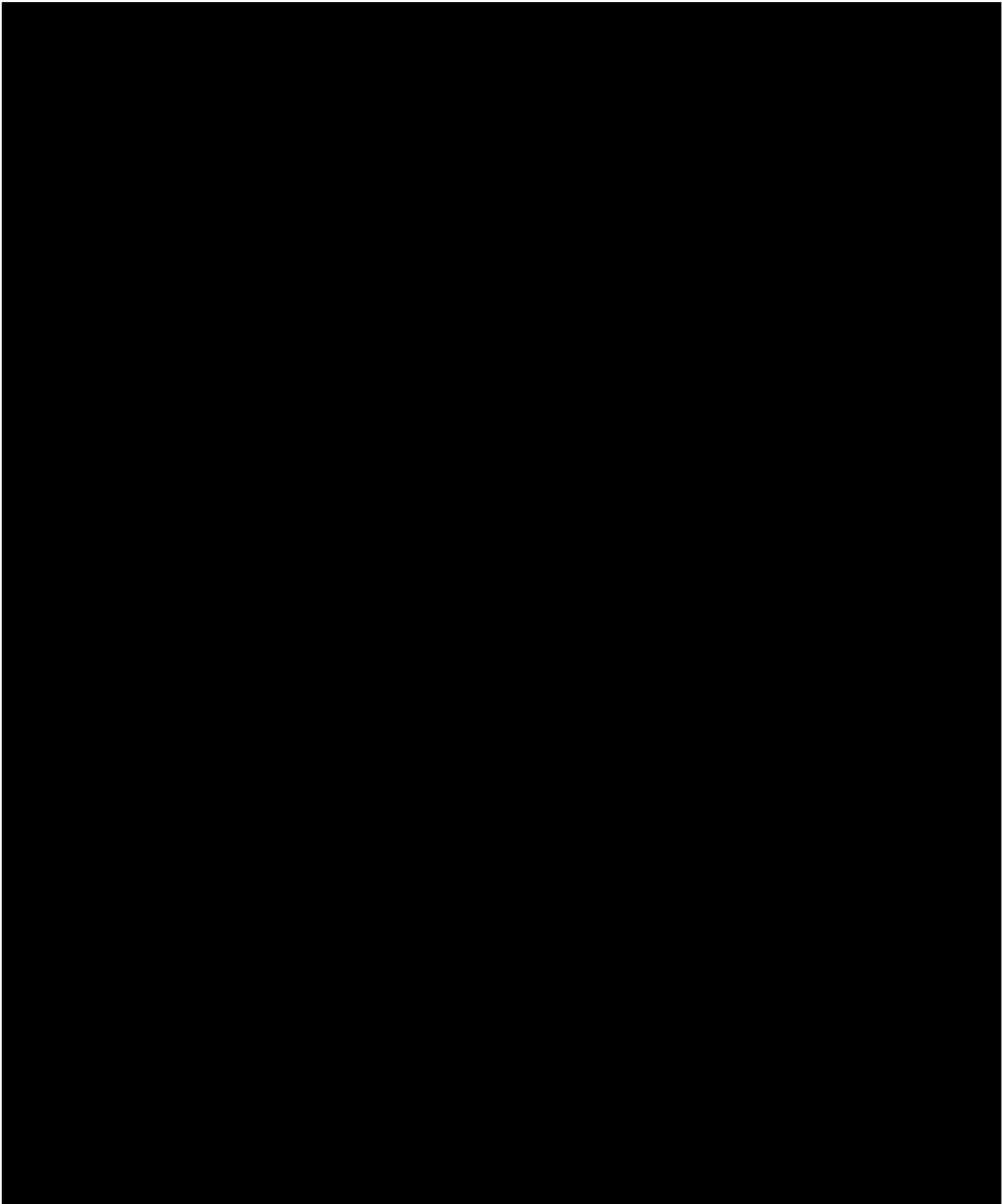


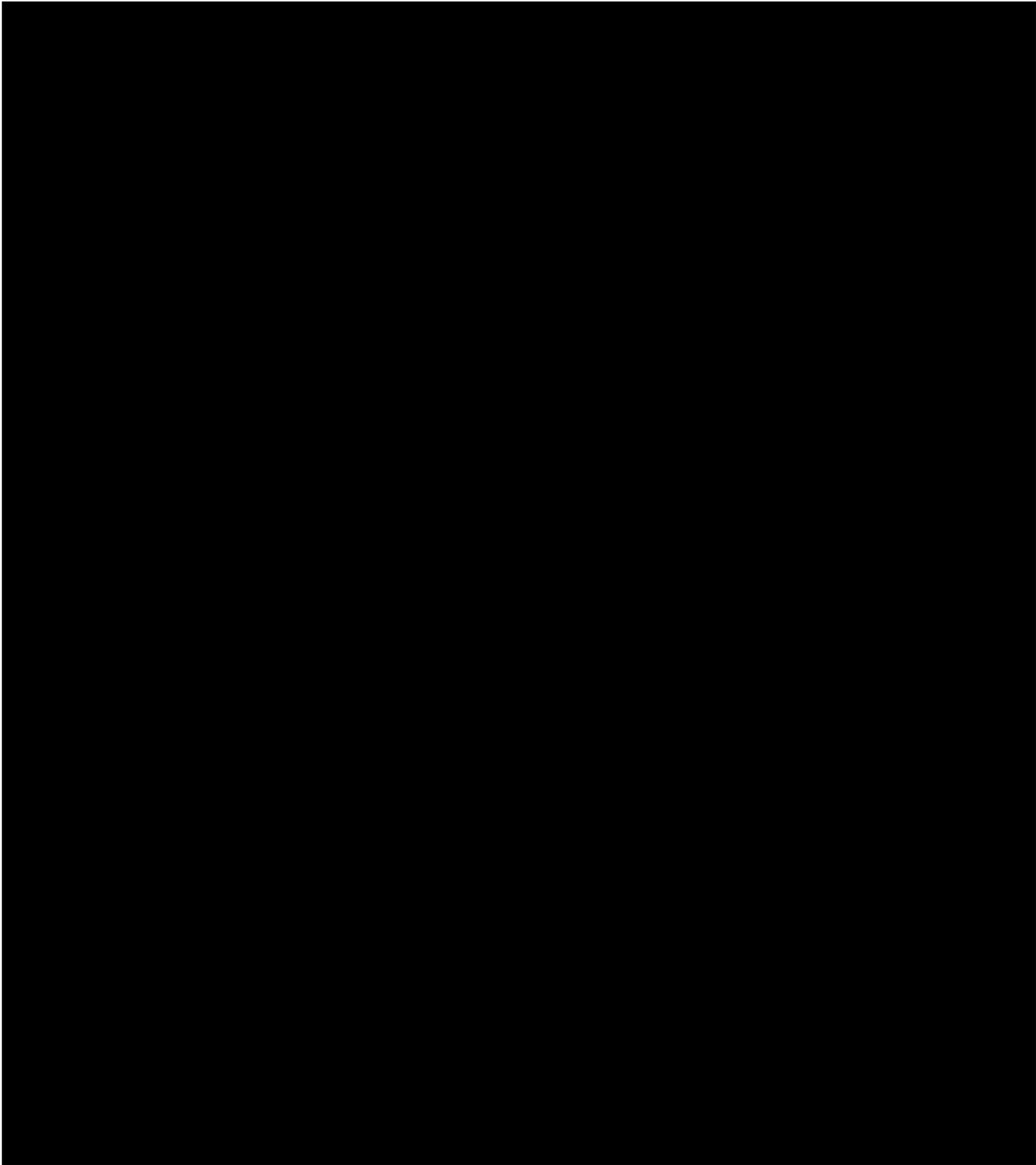


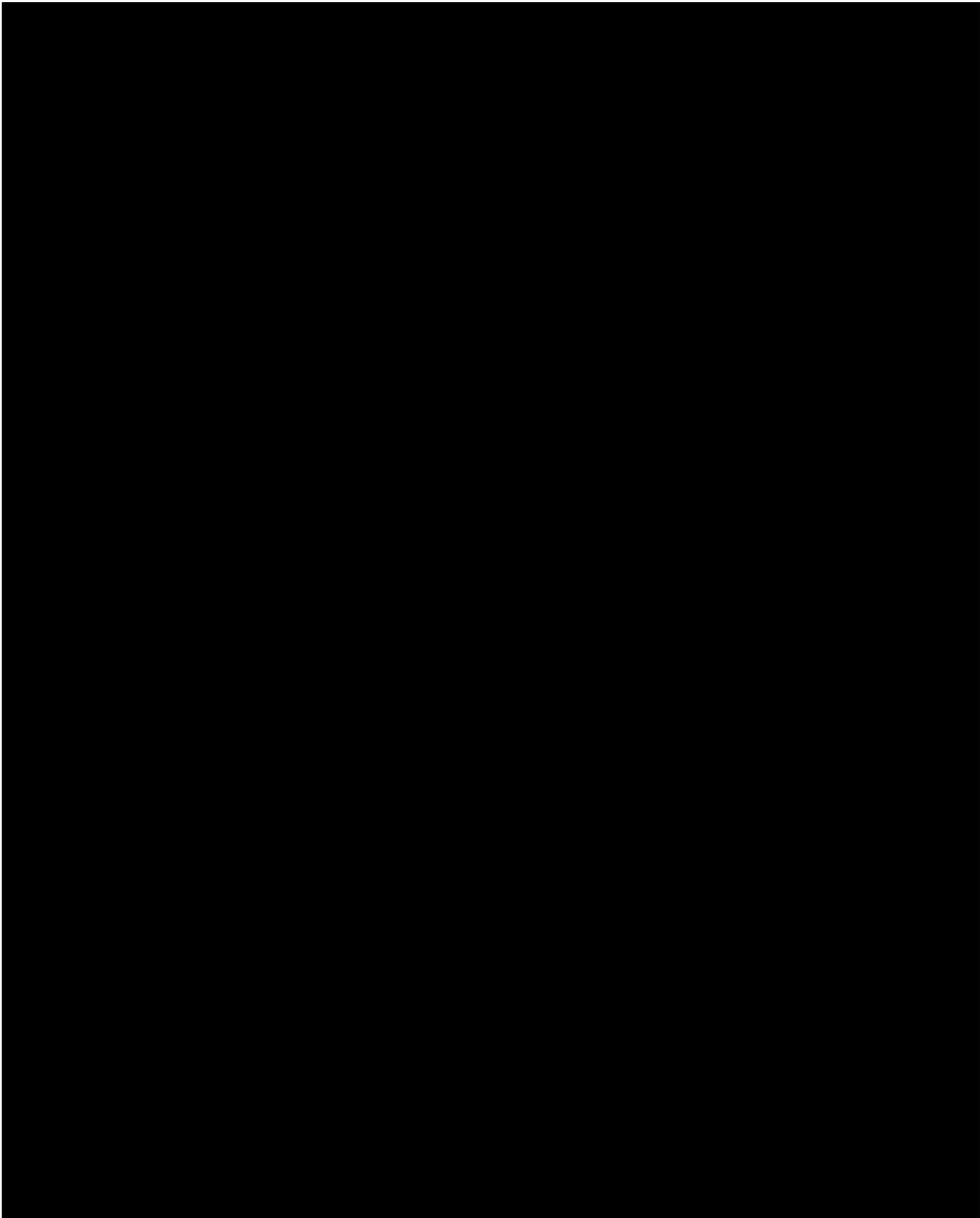


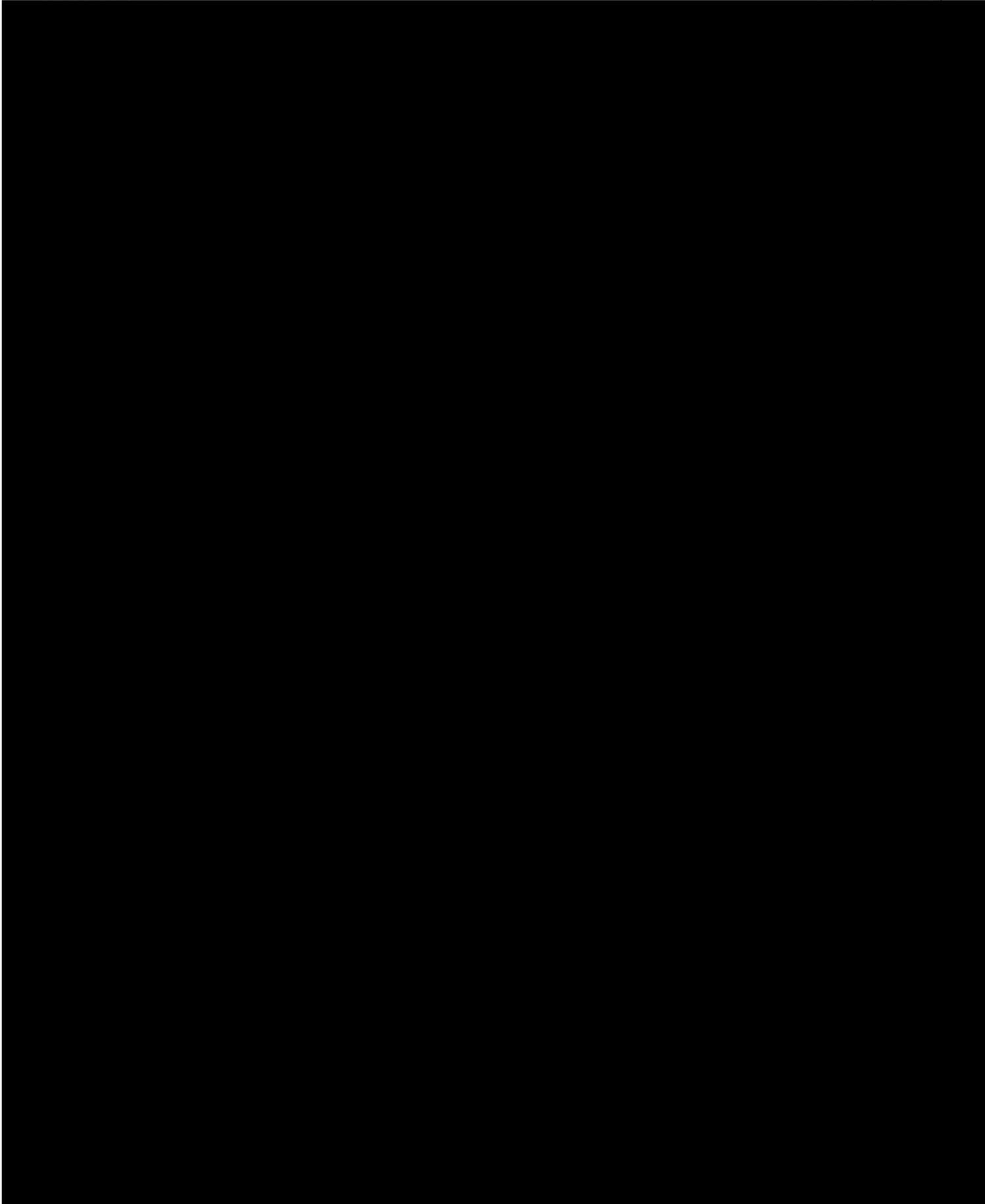


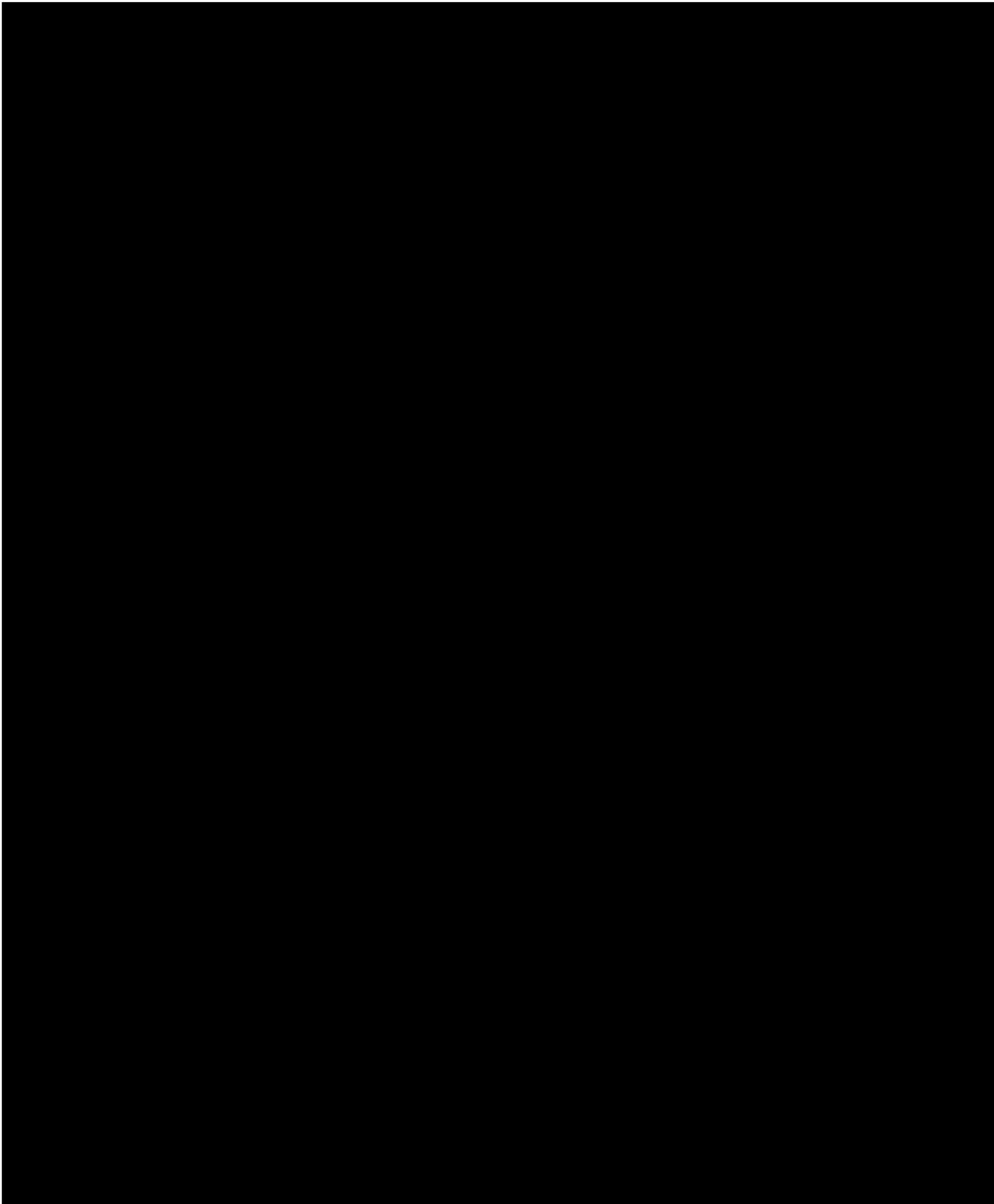


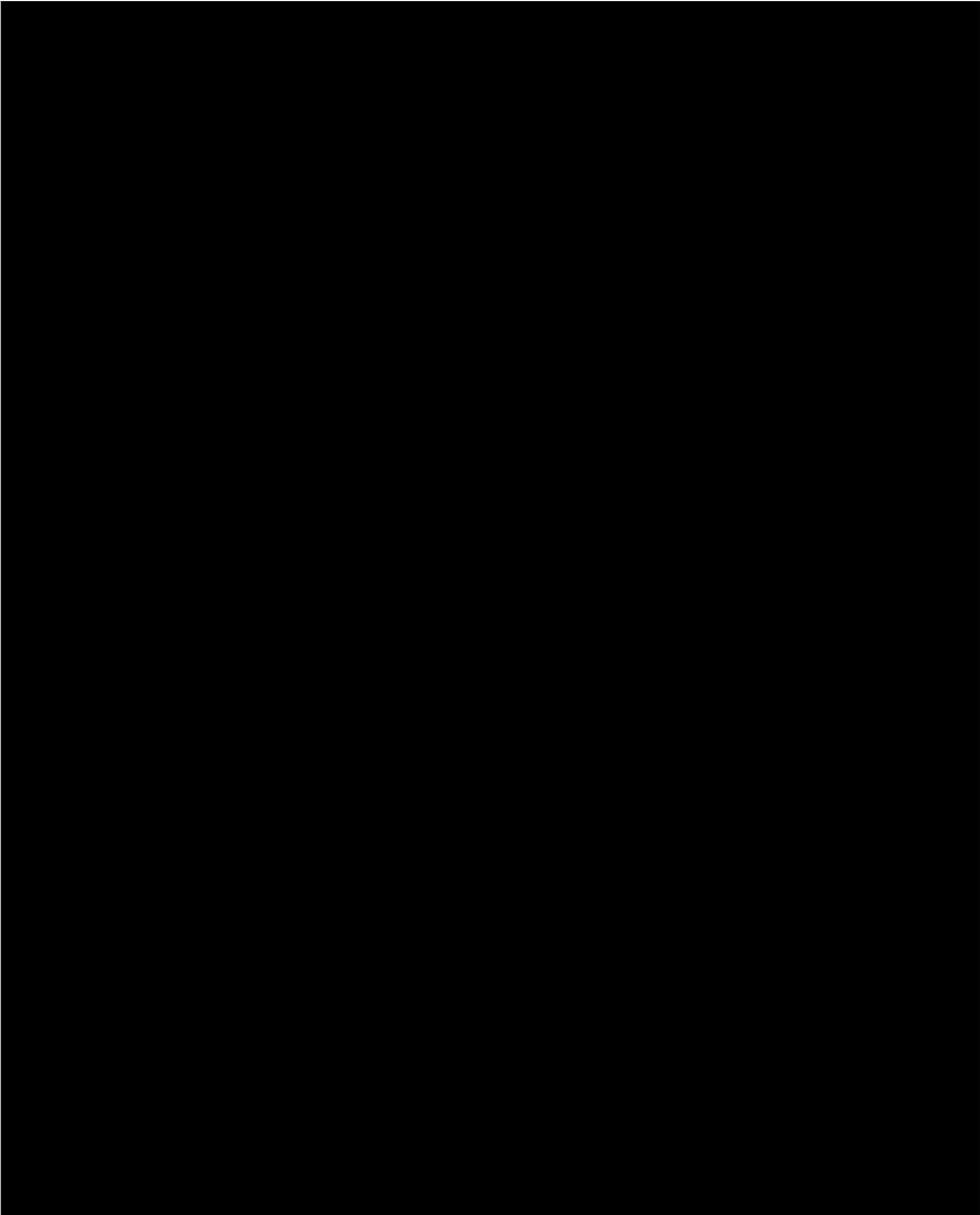


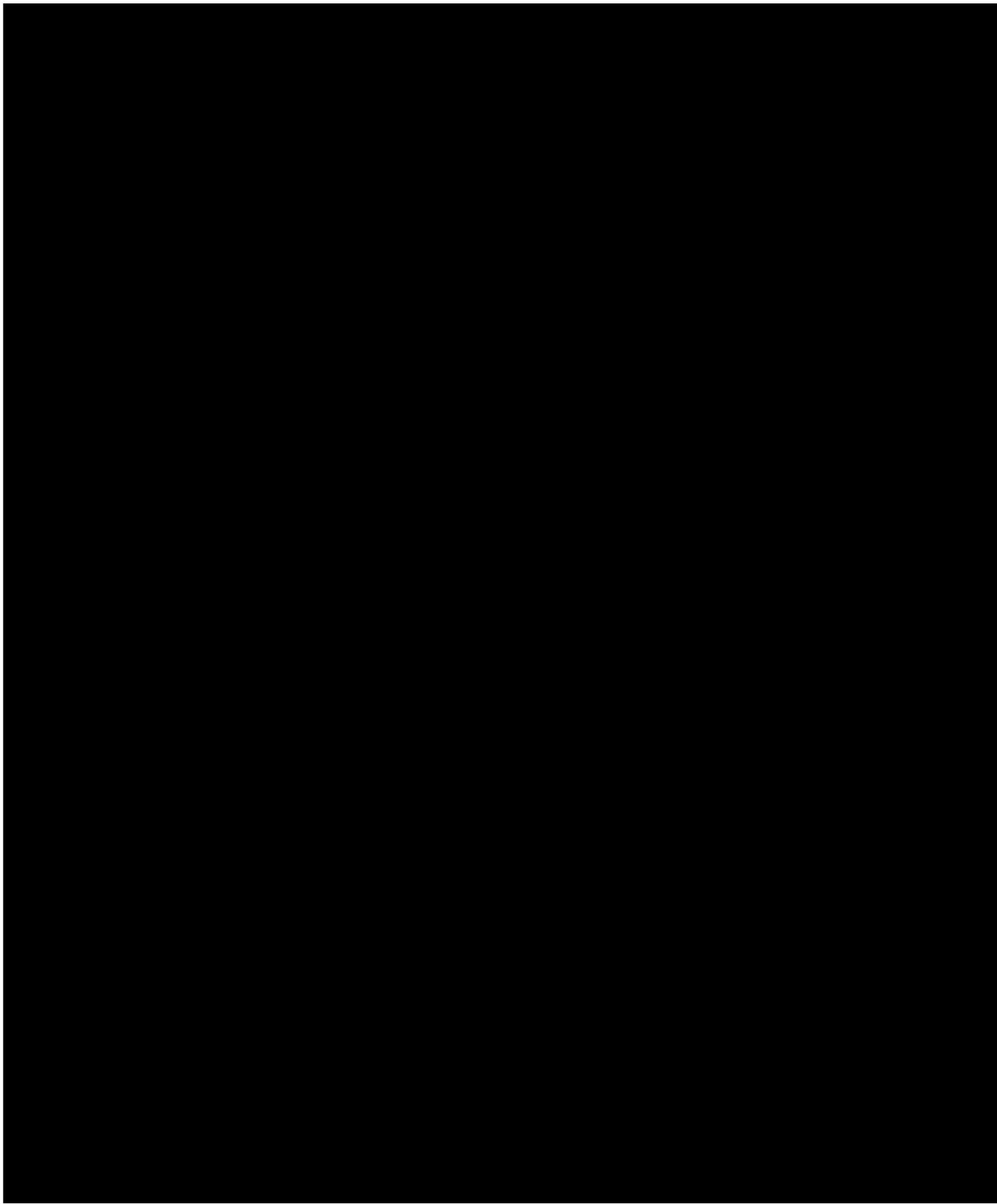


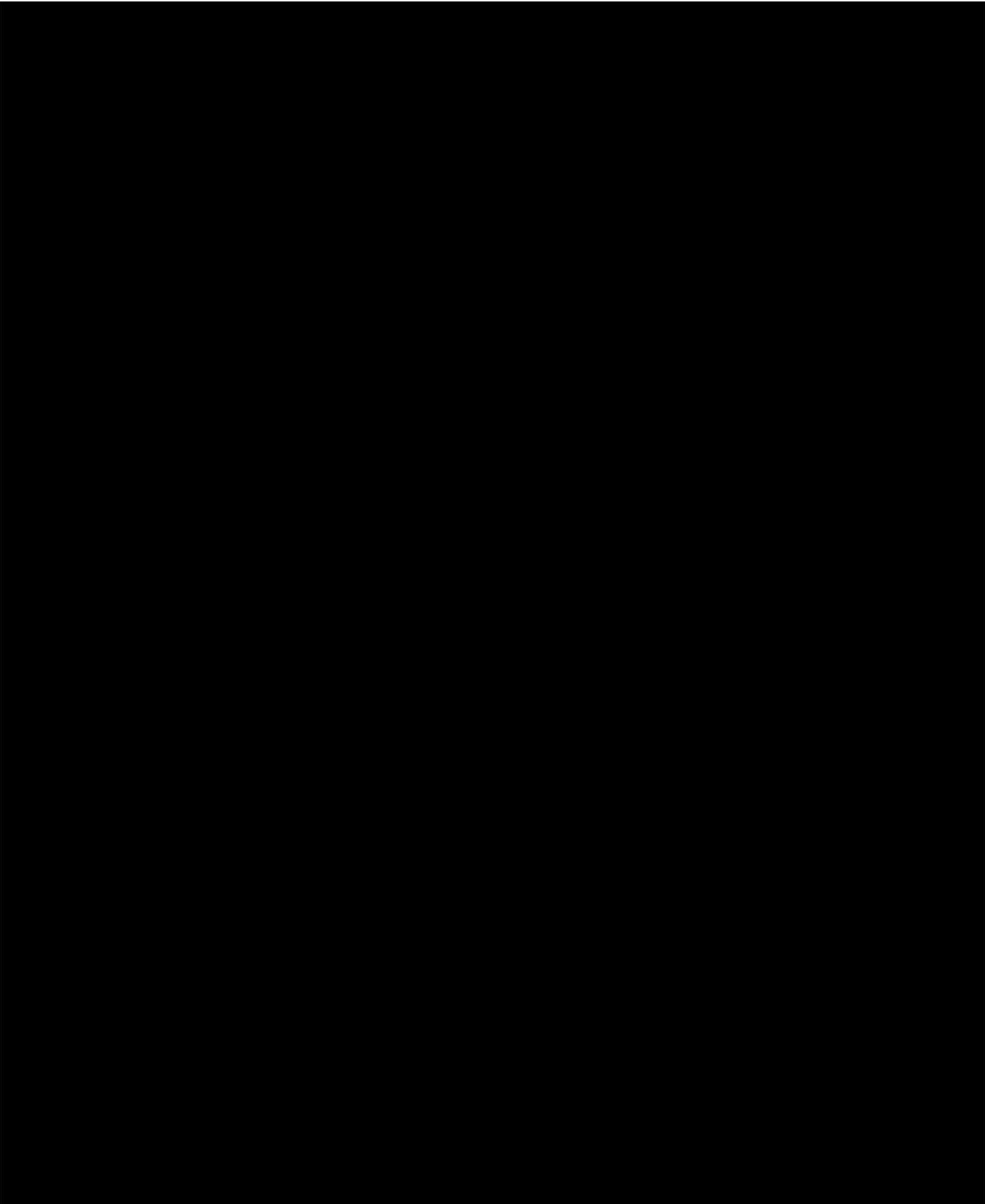


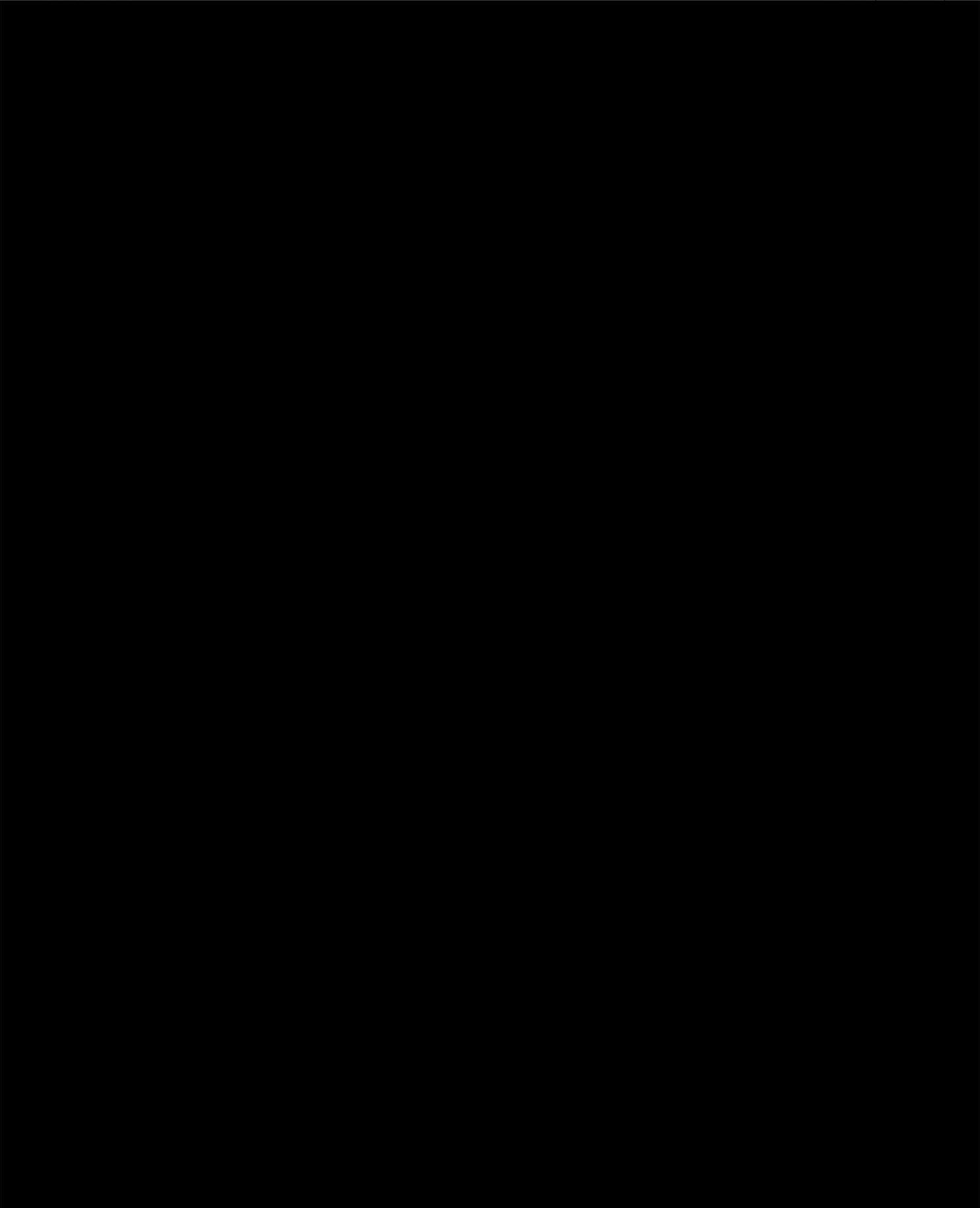


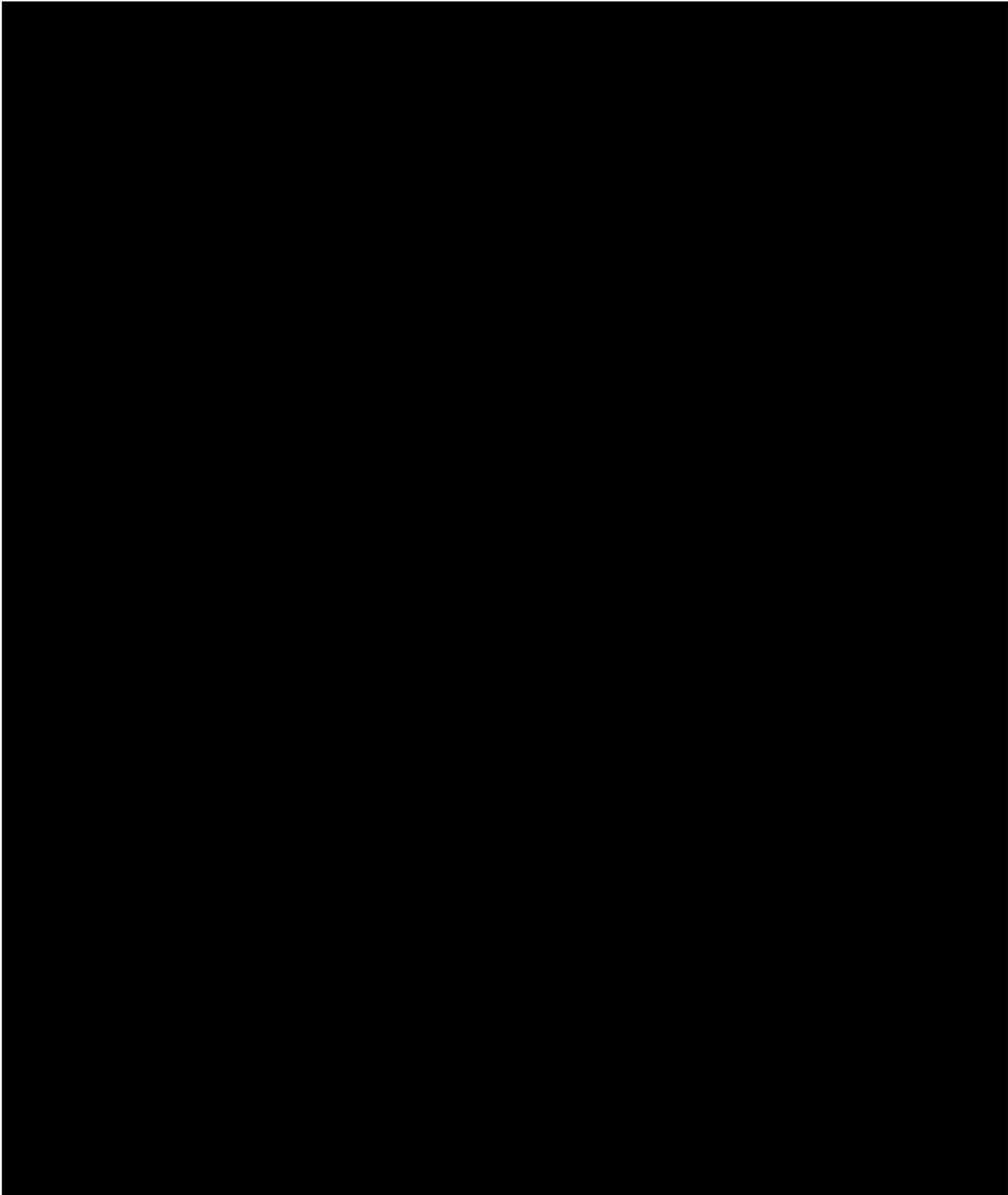


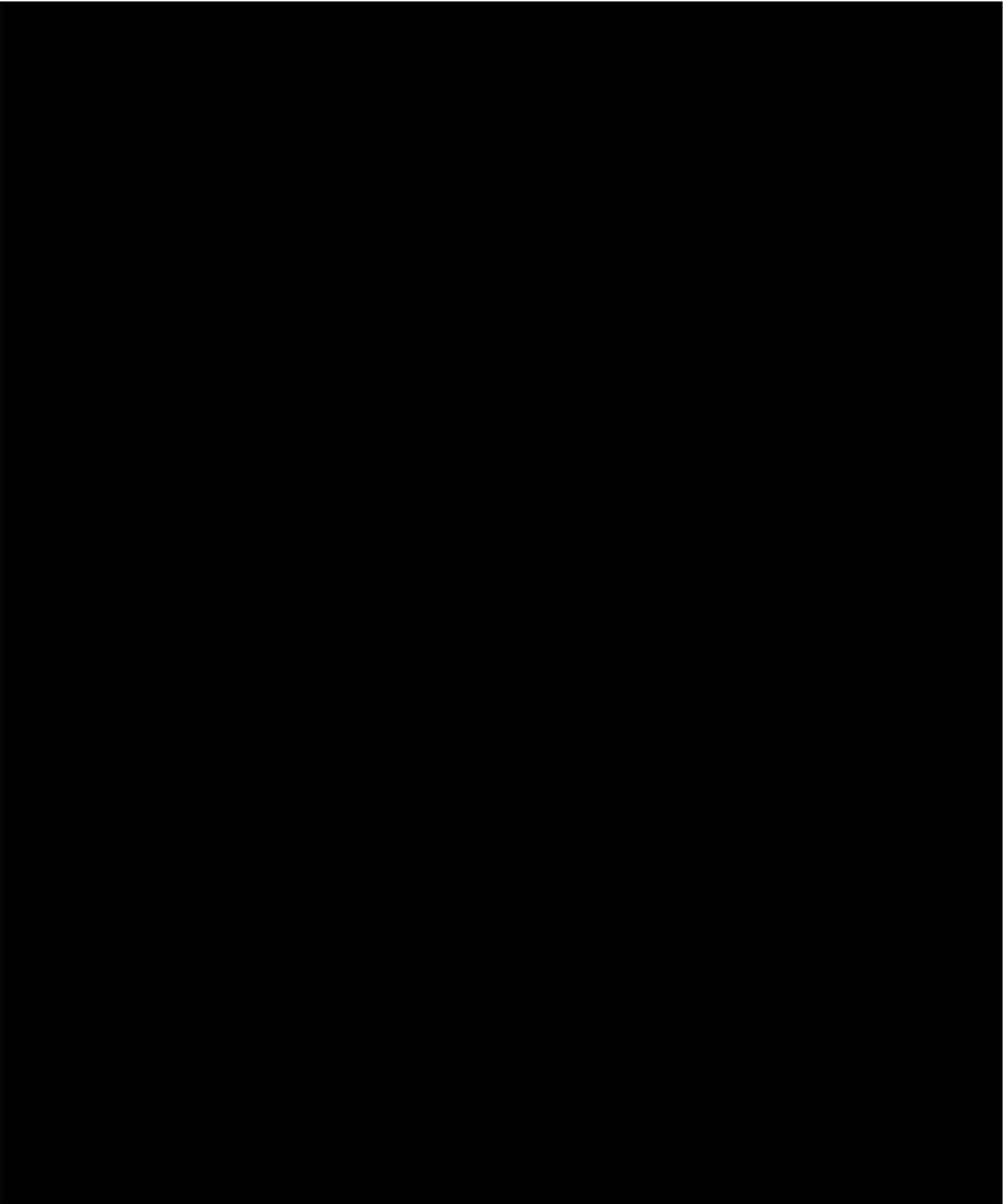


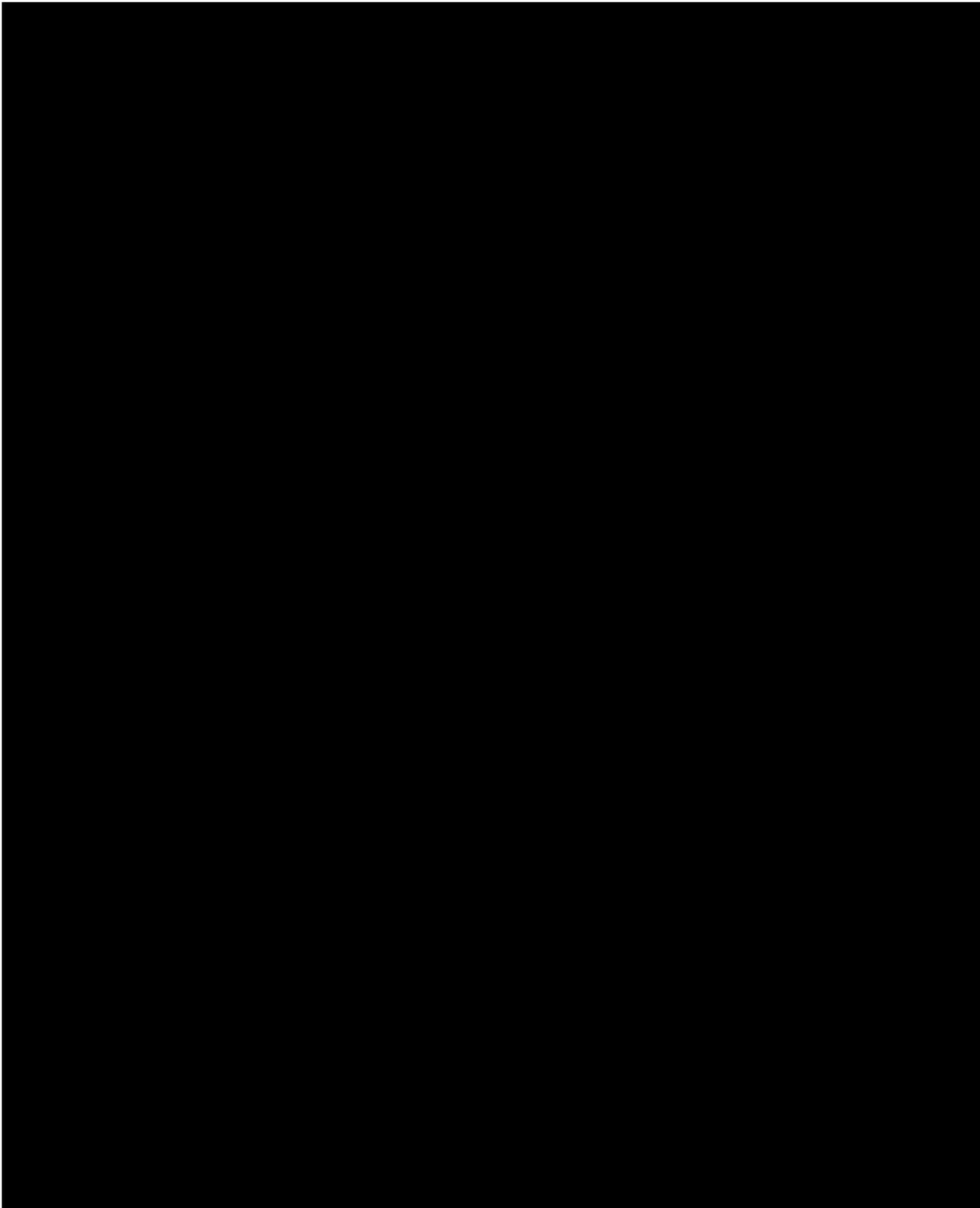


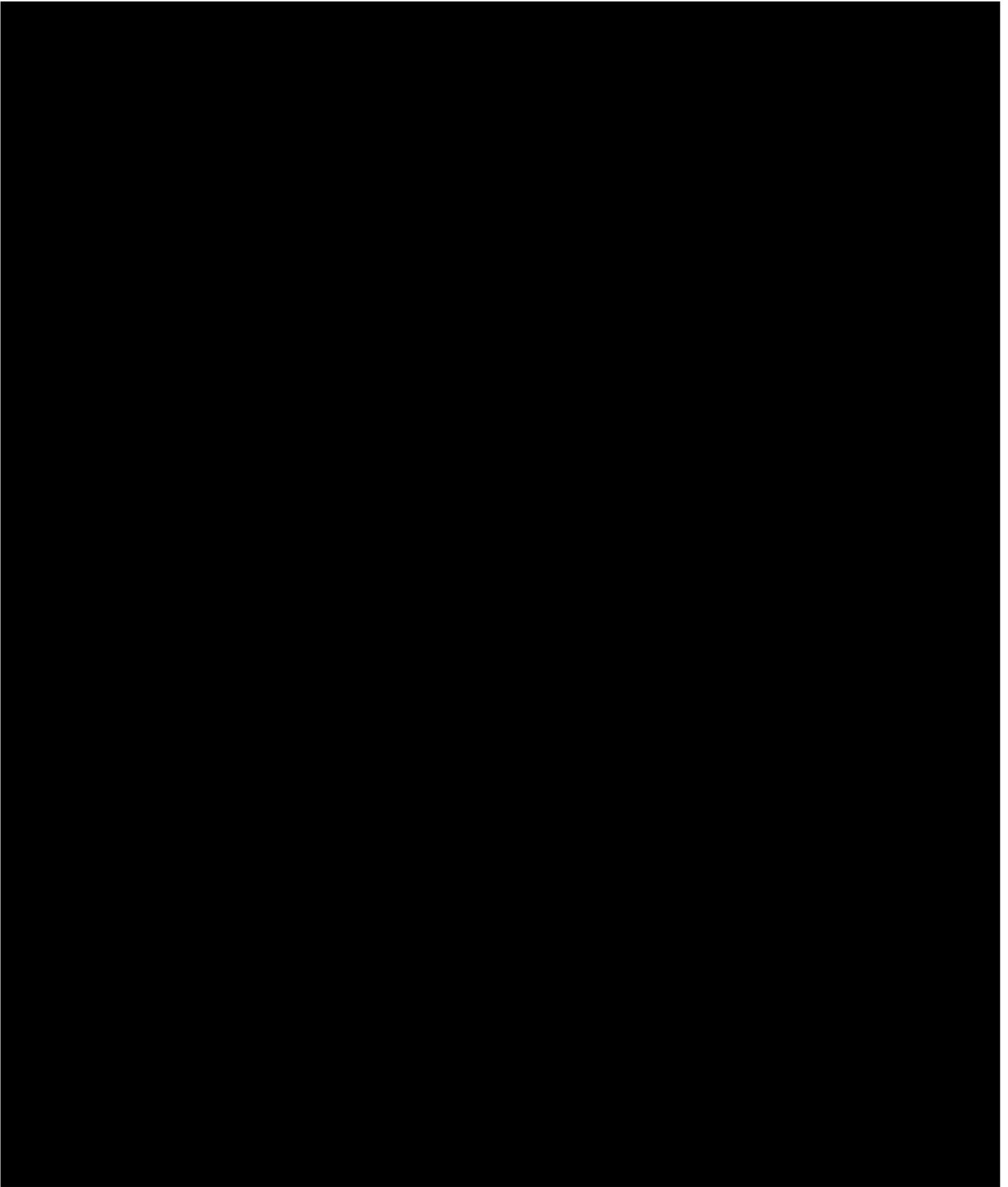


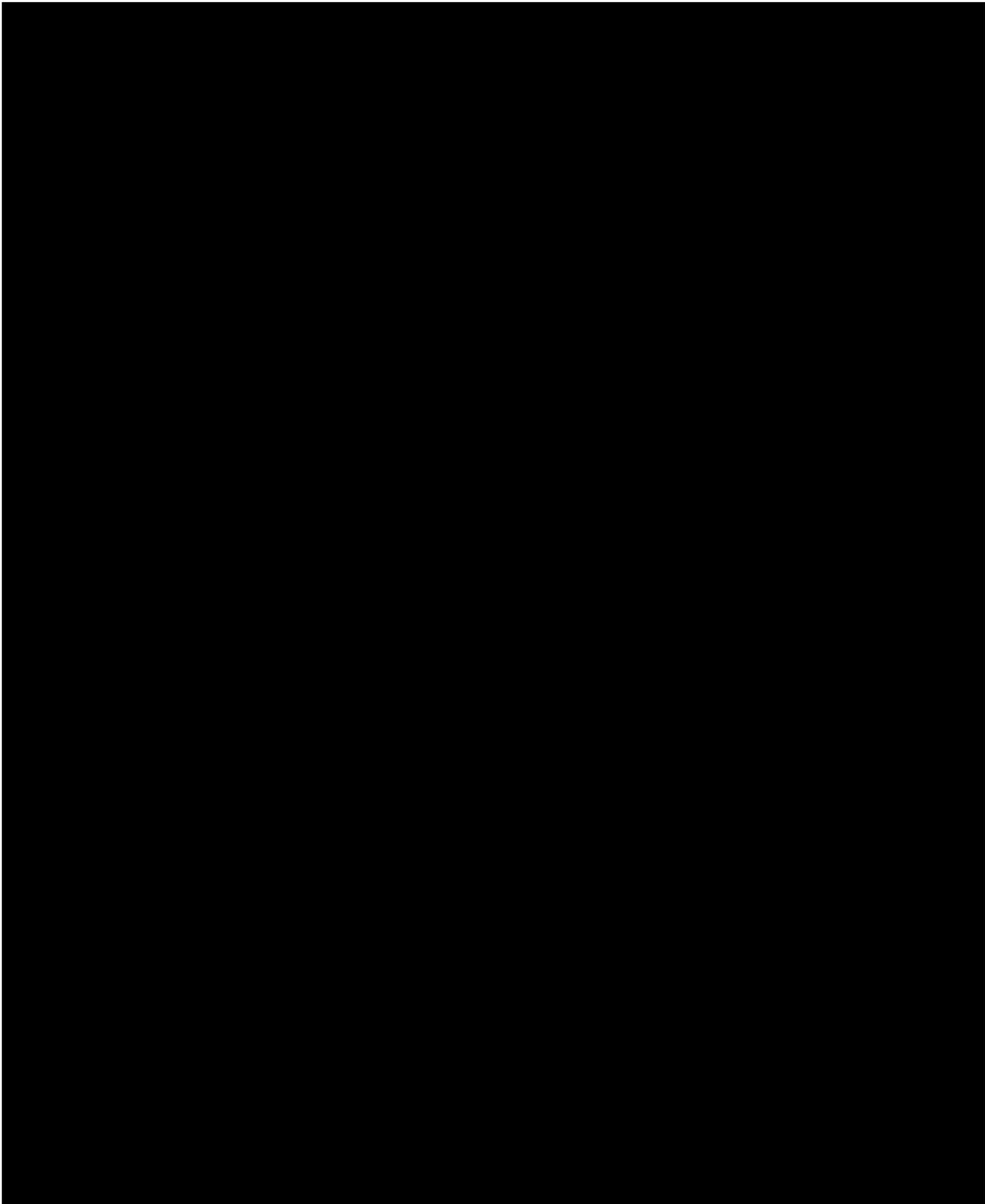


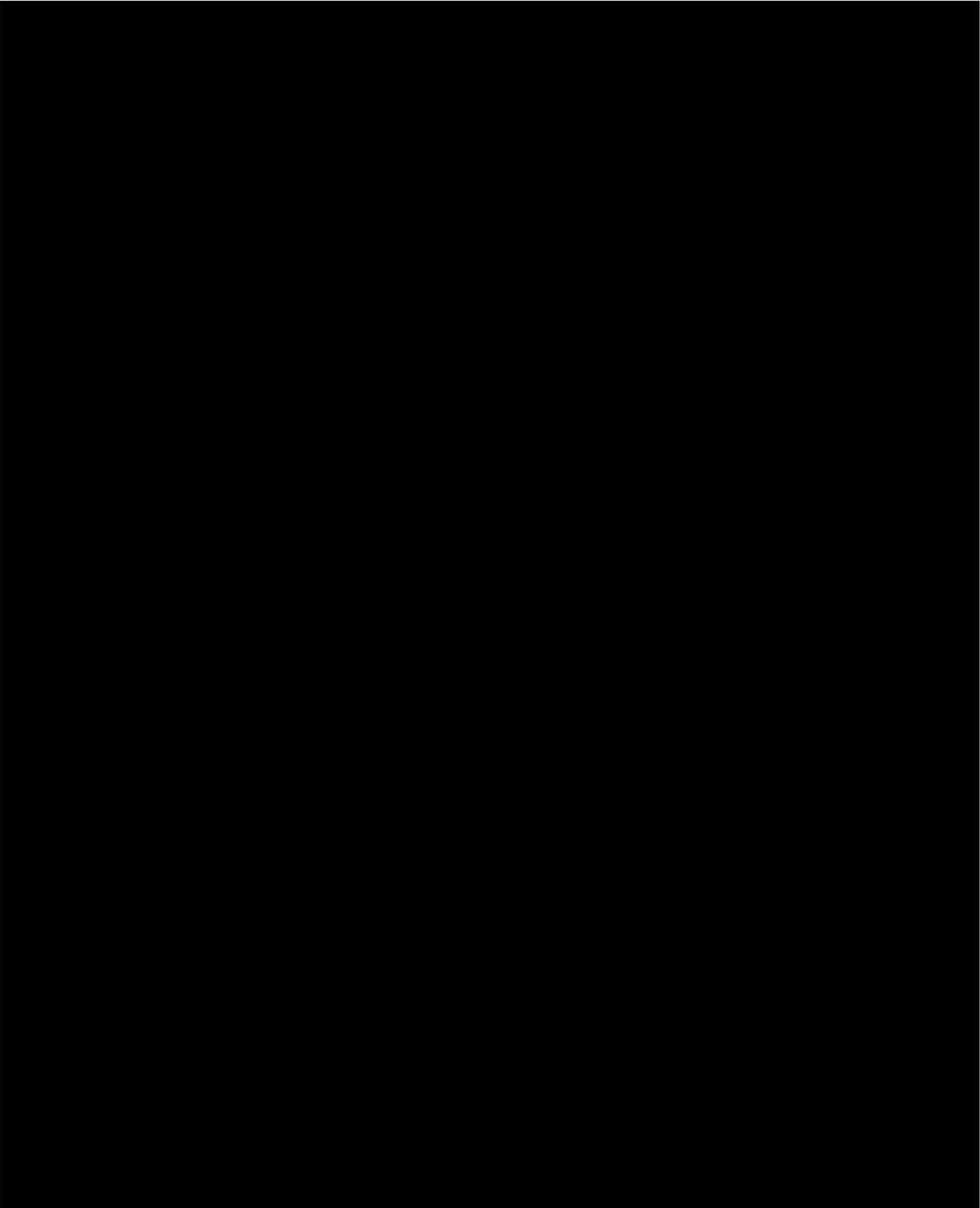


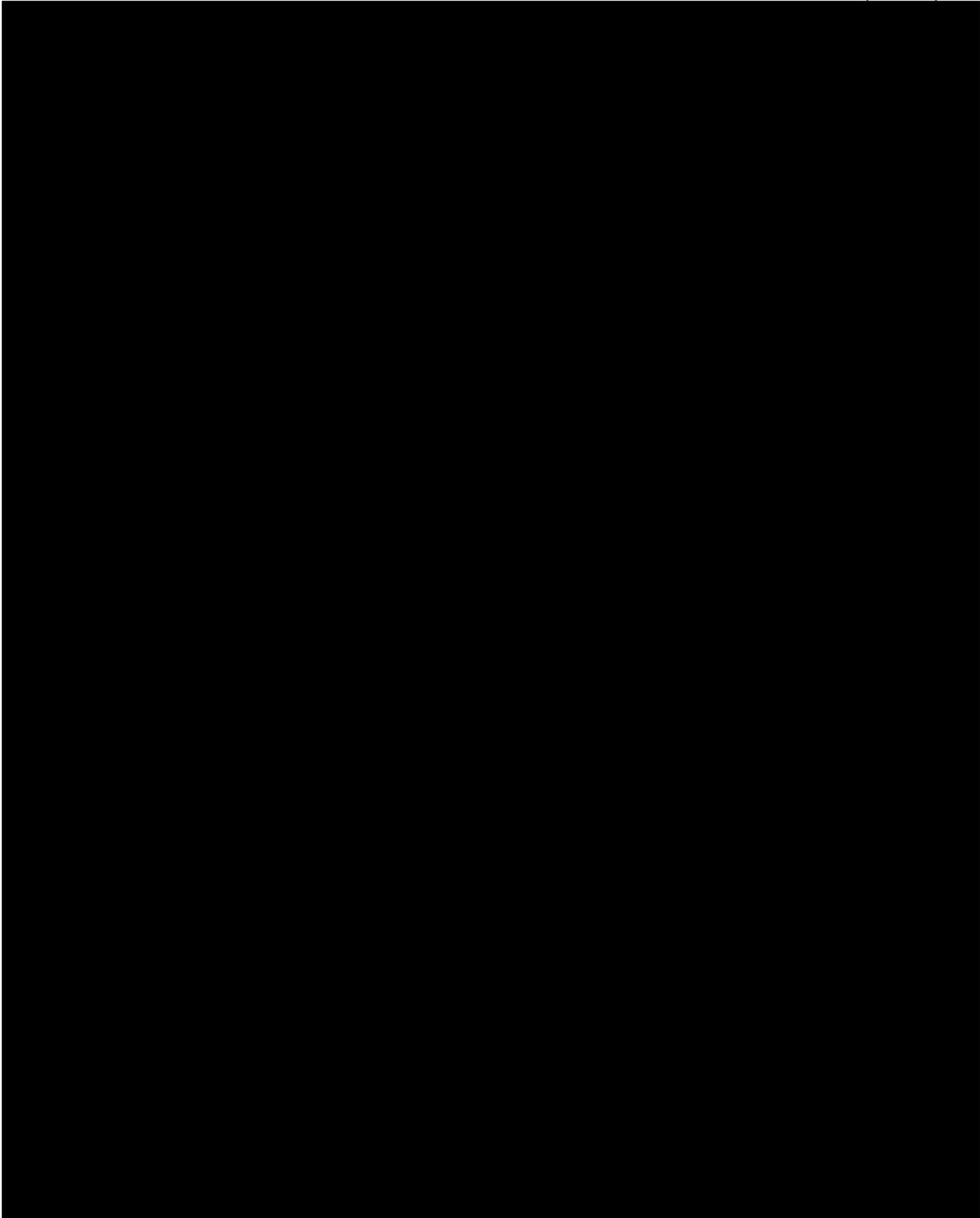


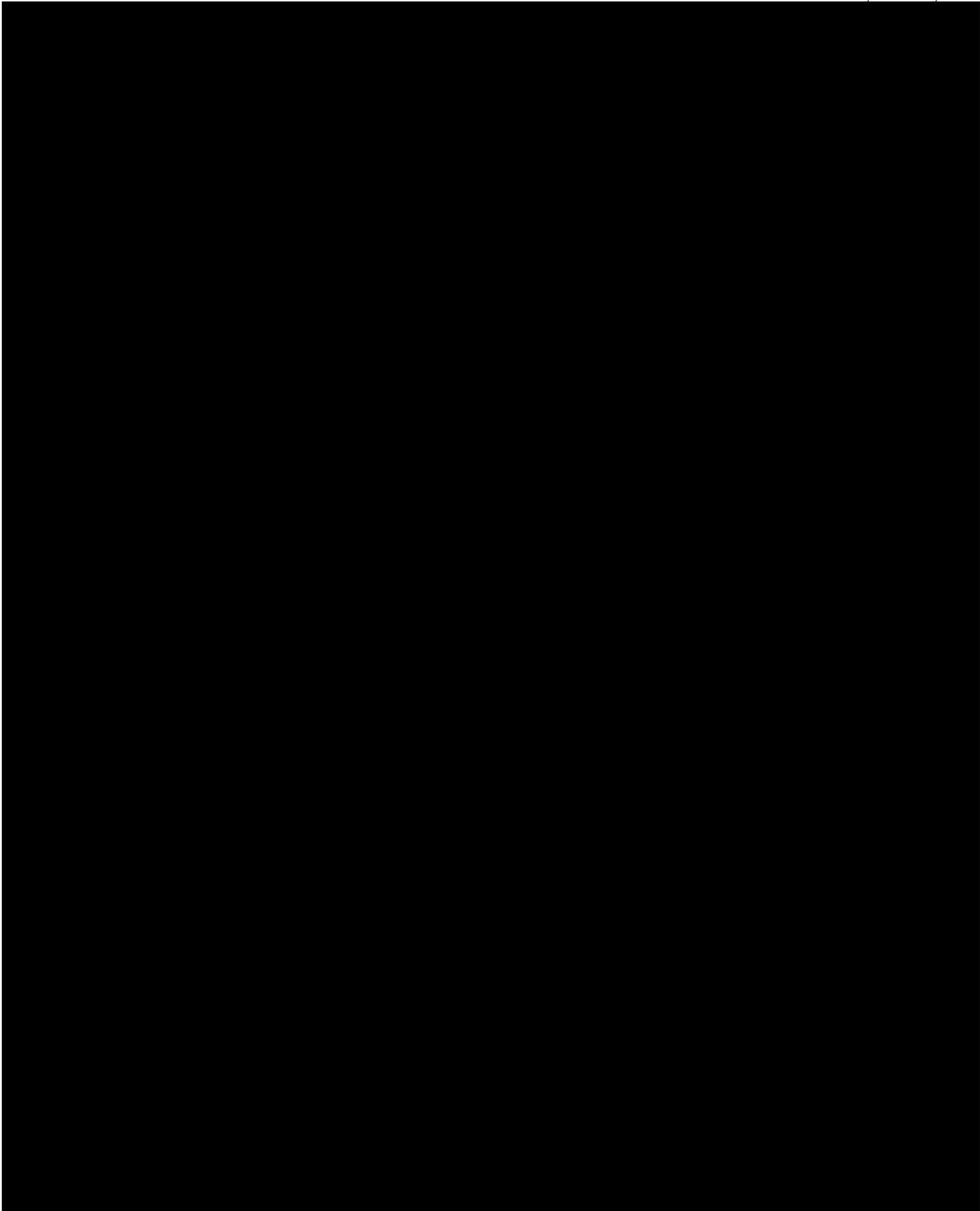


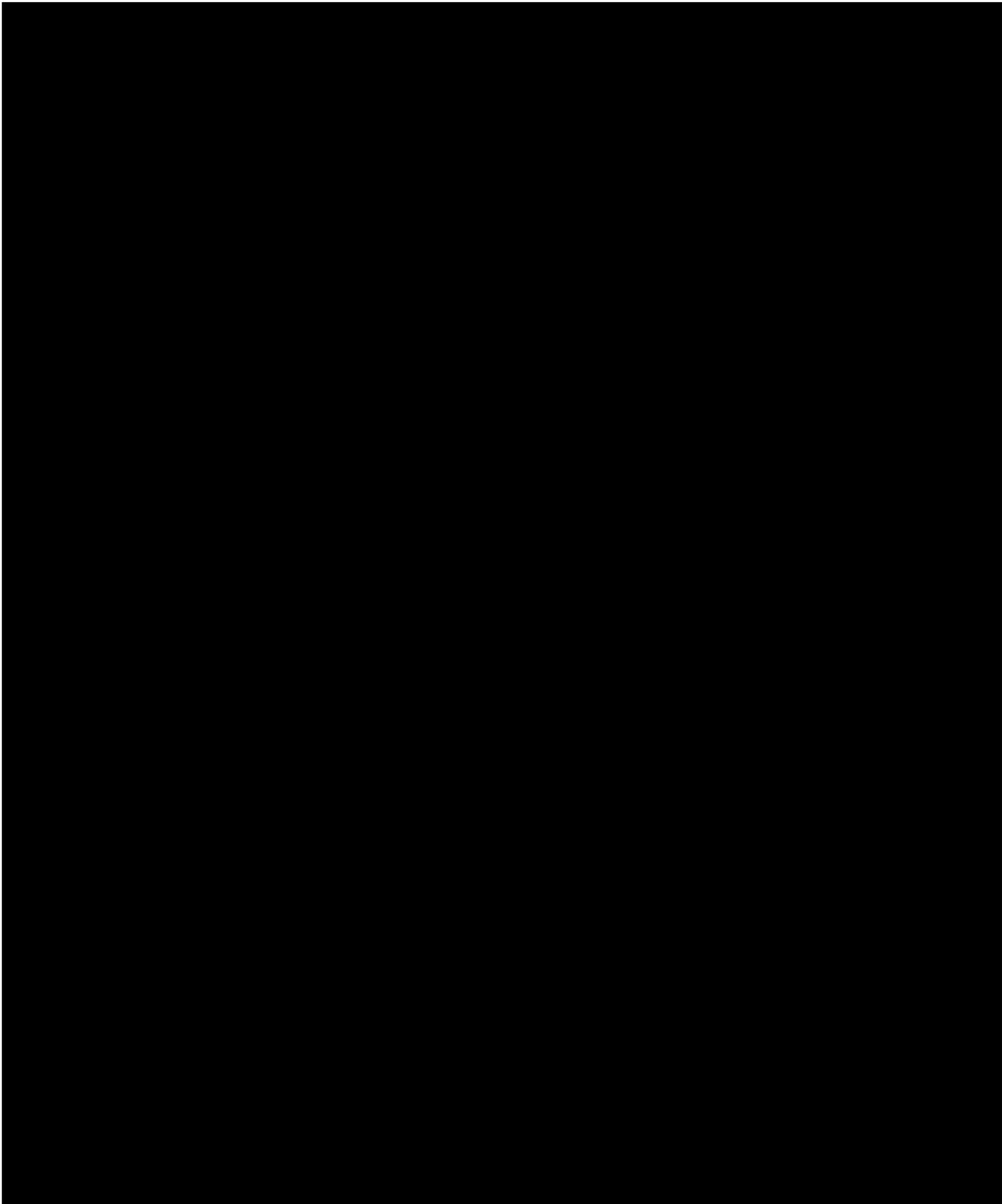


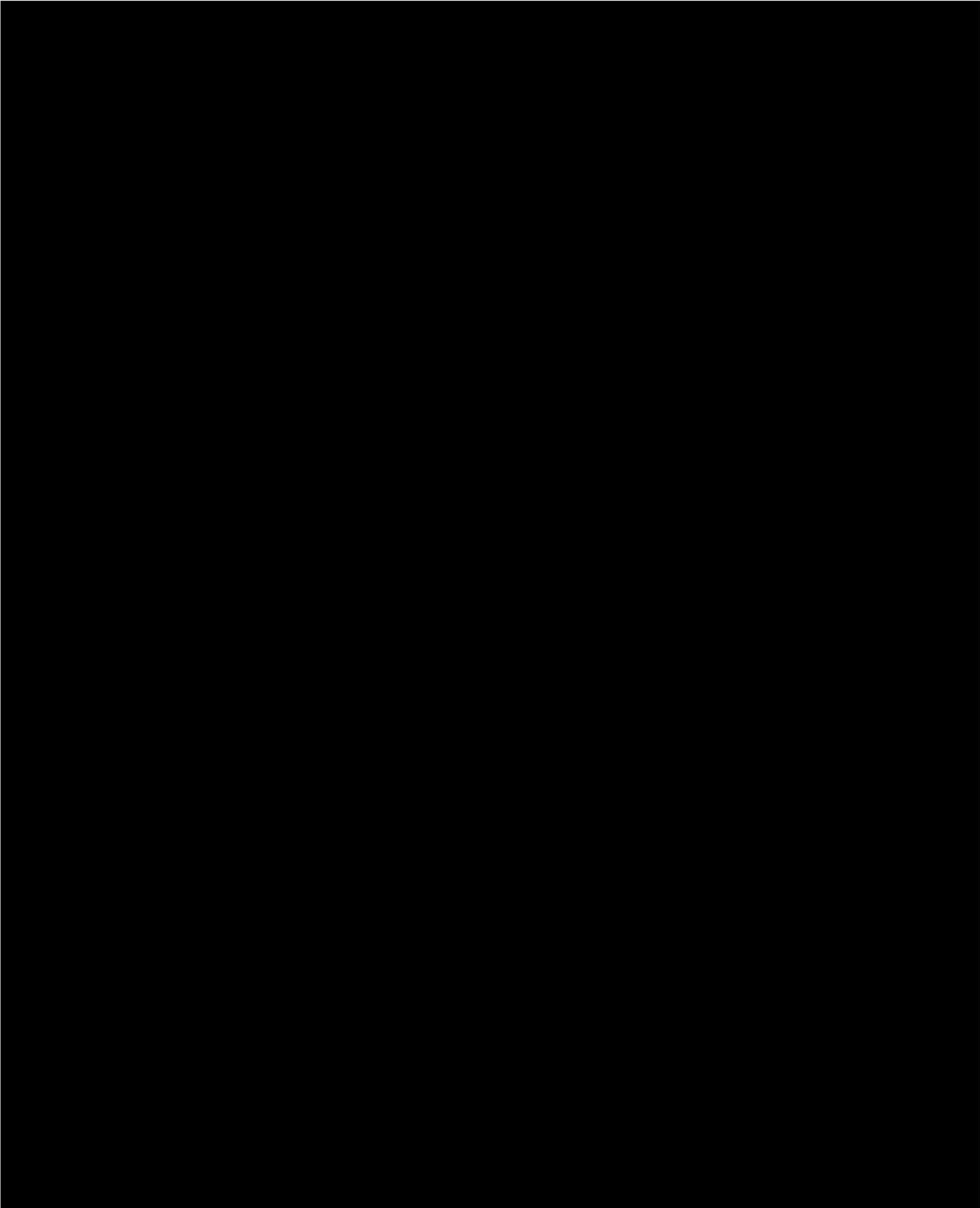


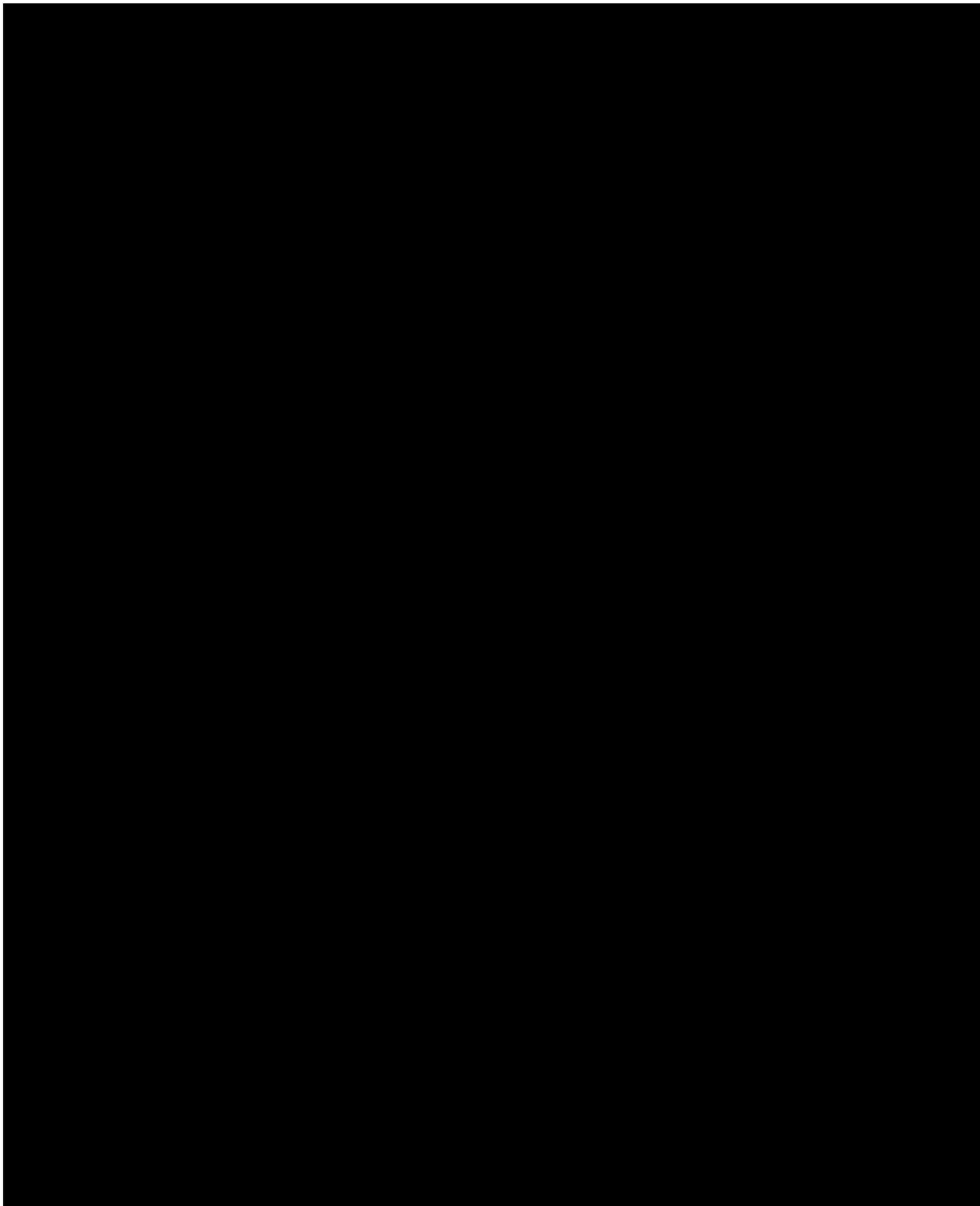


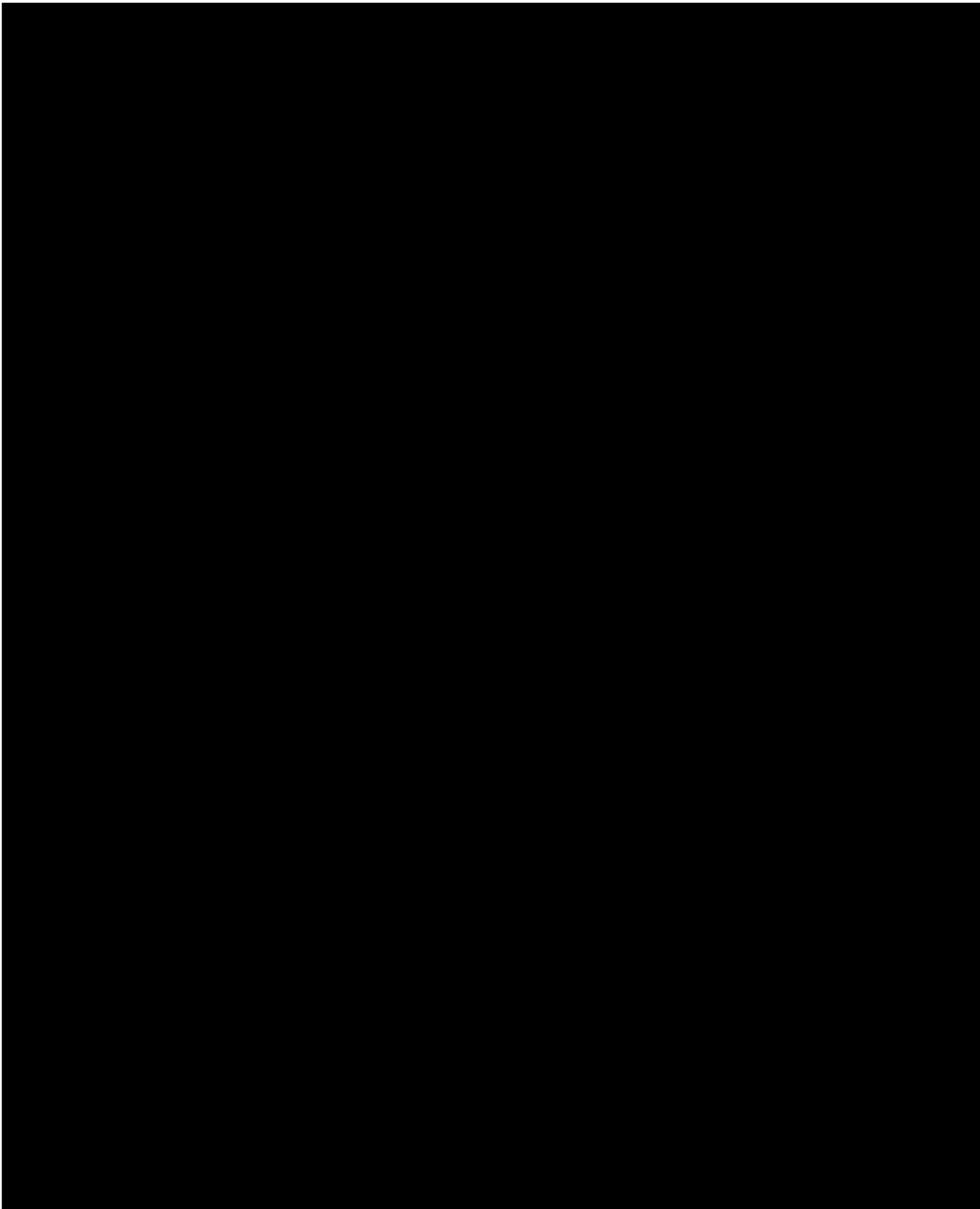


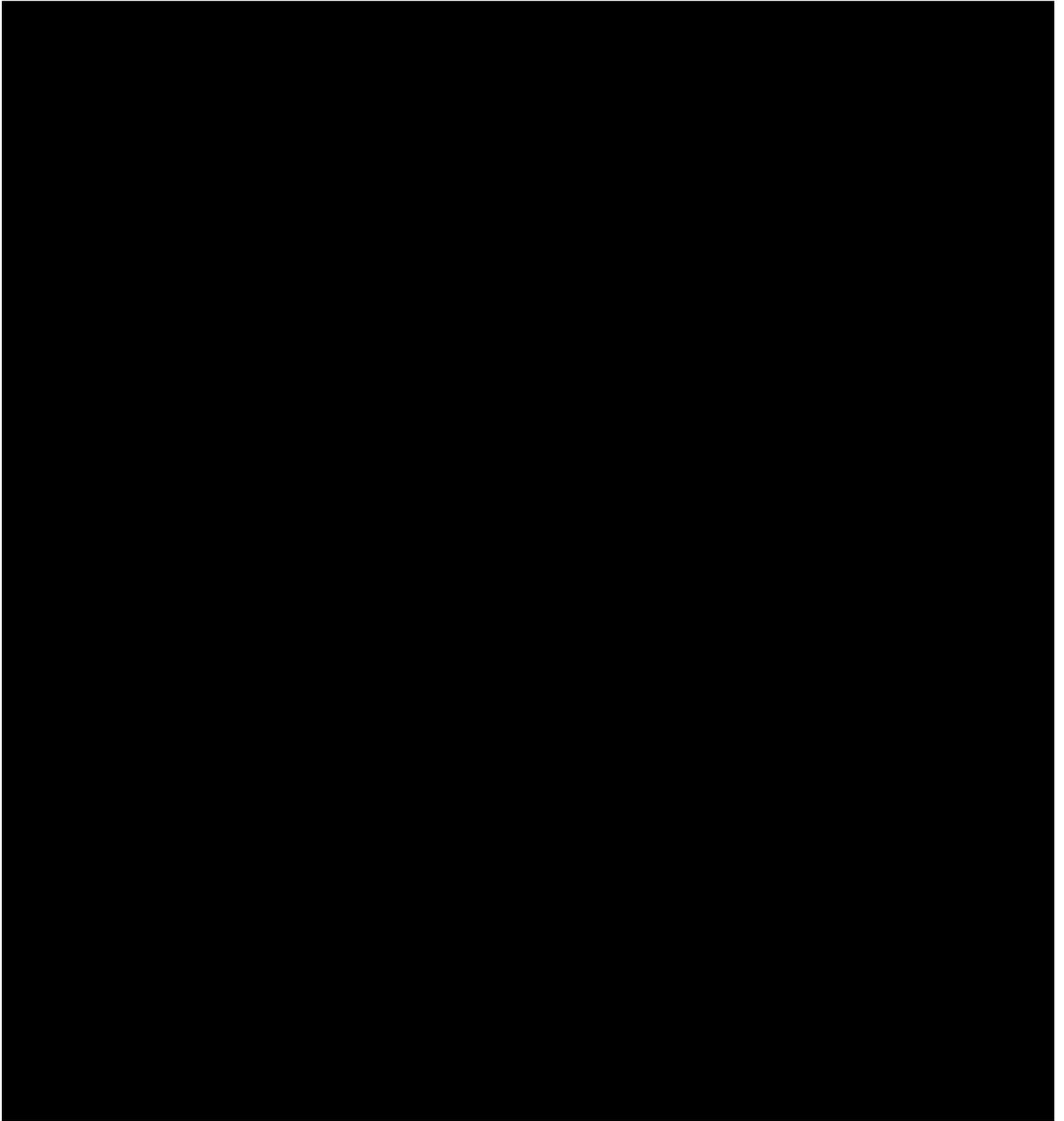






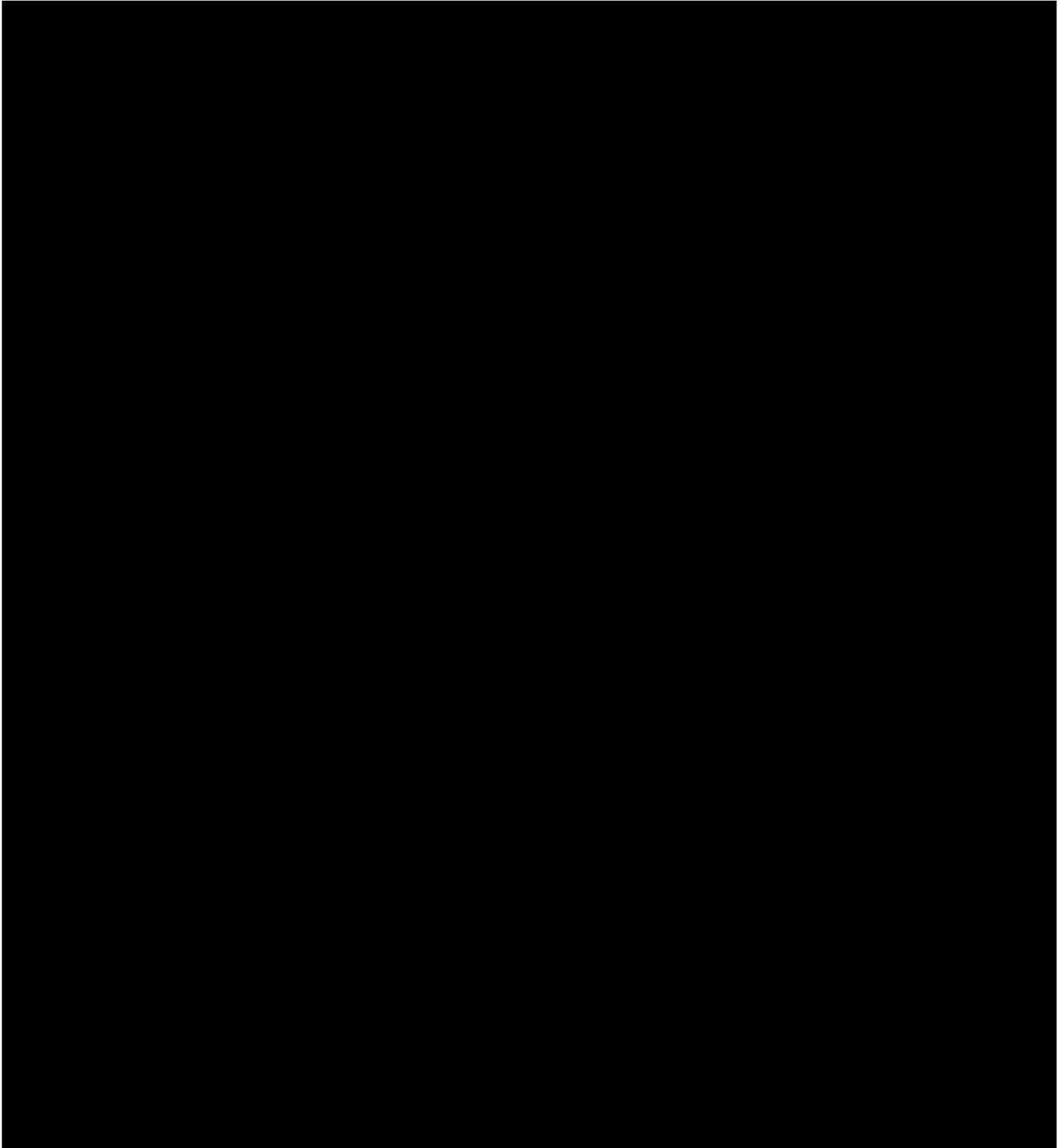


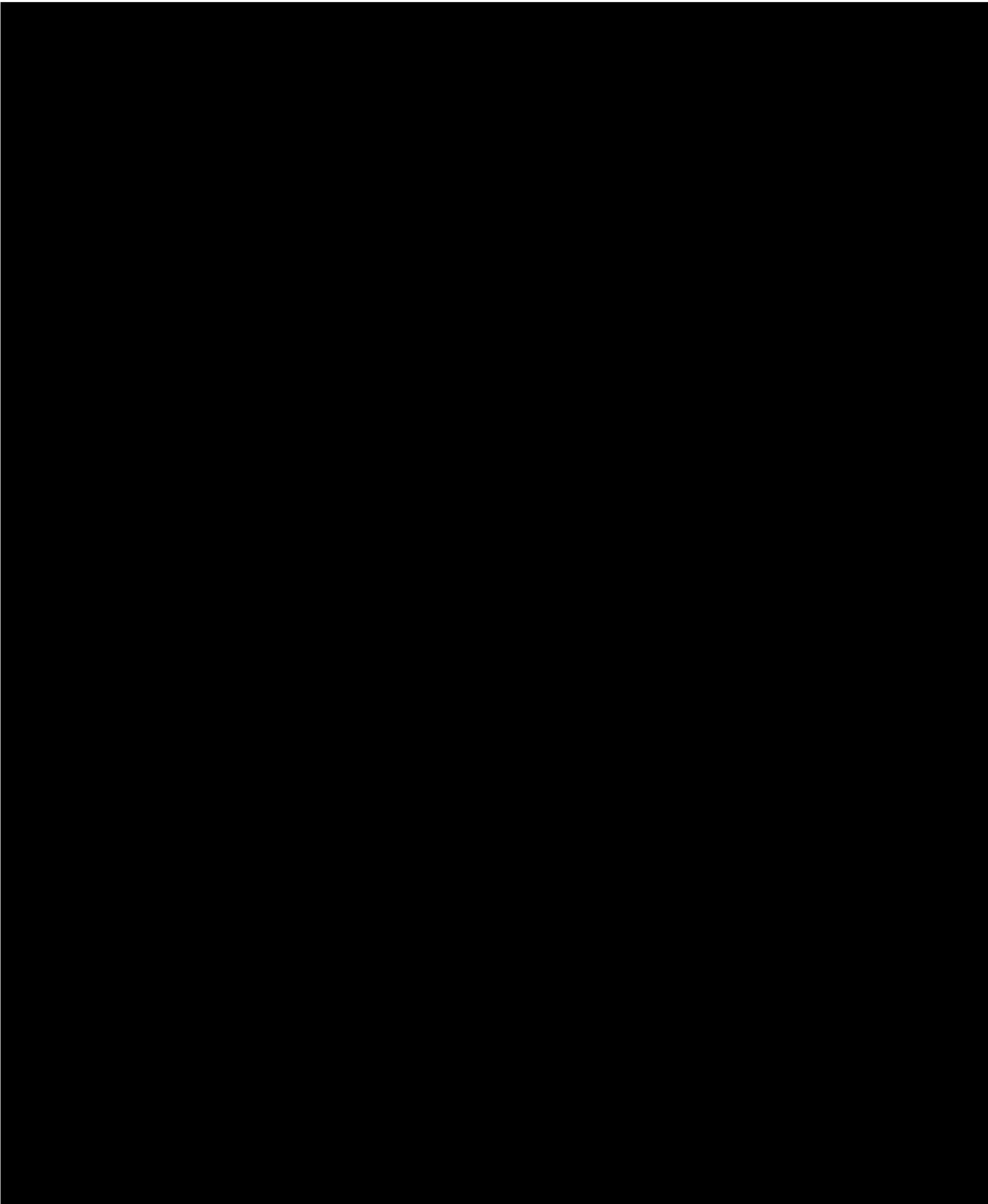


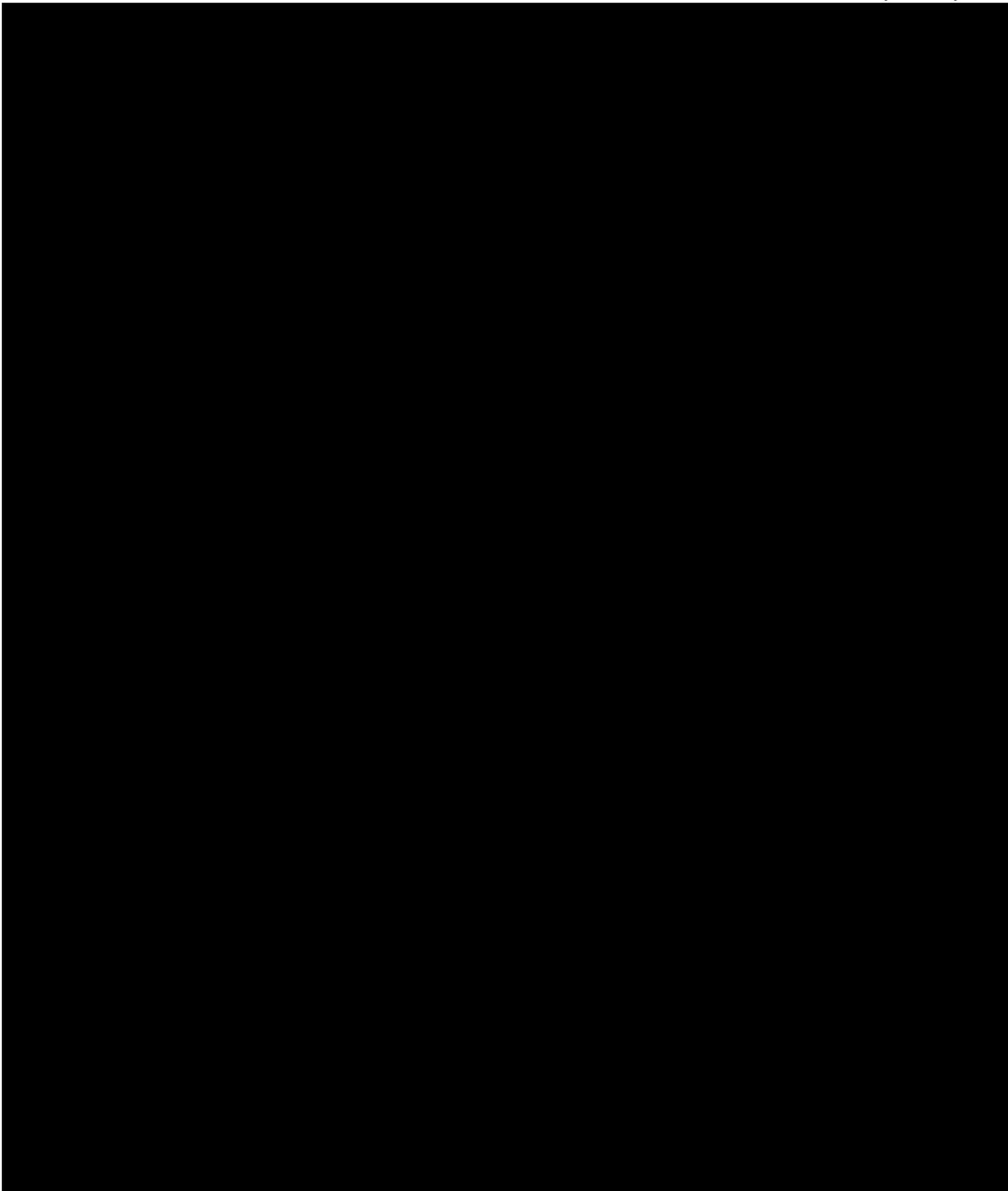


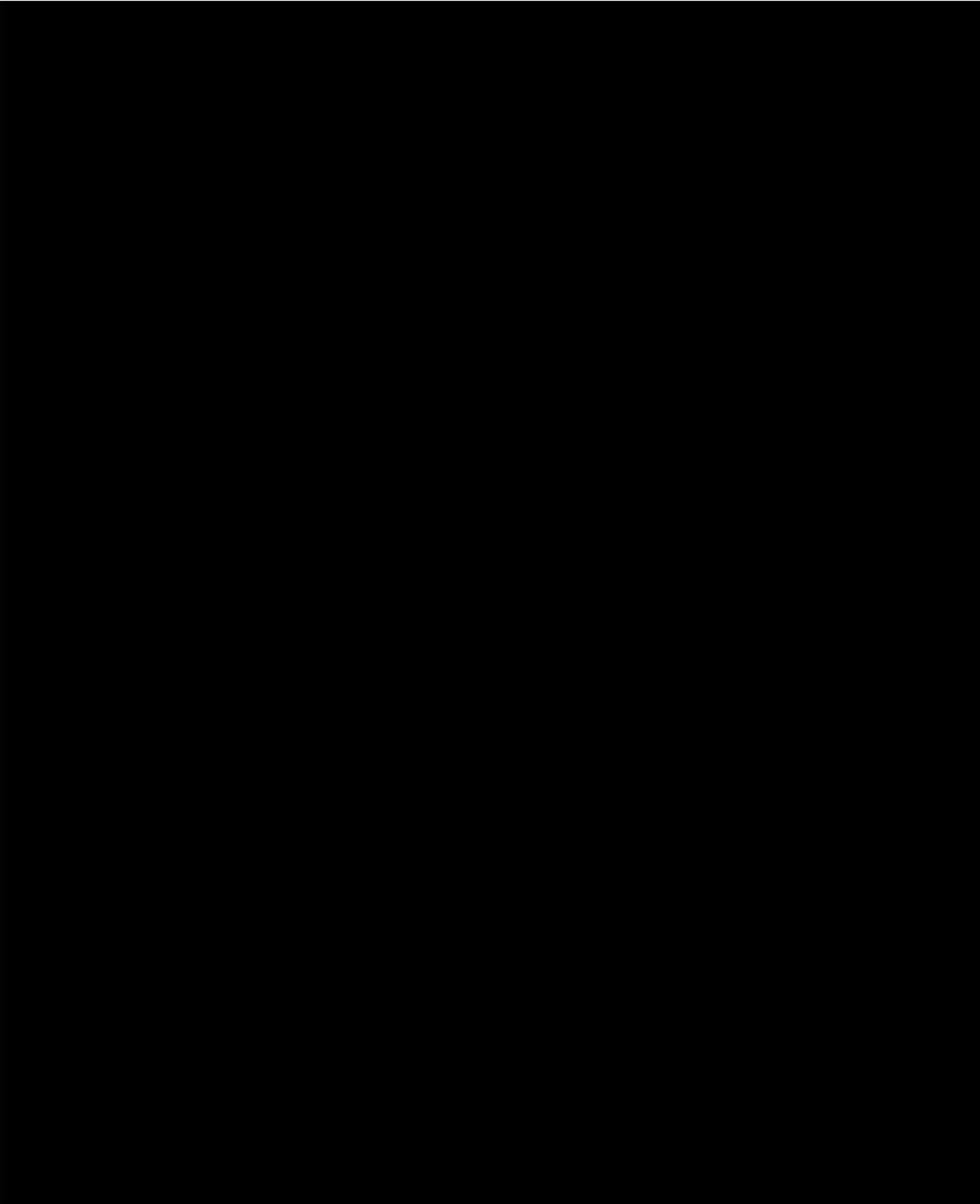
Q13 In your own words, what obstacles or challenges will keep OutServe-SLDN from being a strong and viable organization?

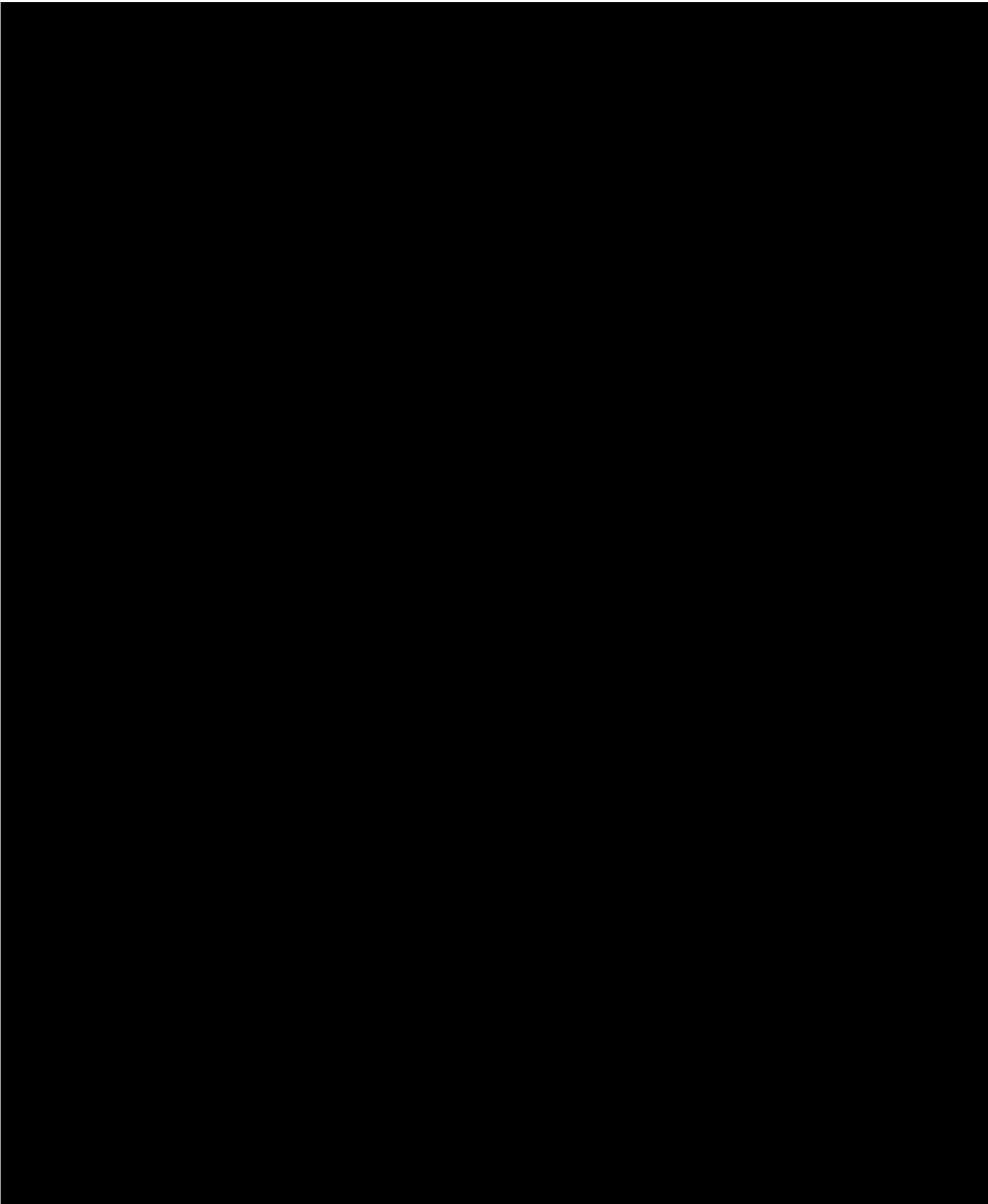
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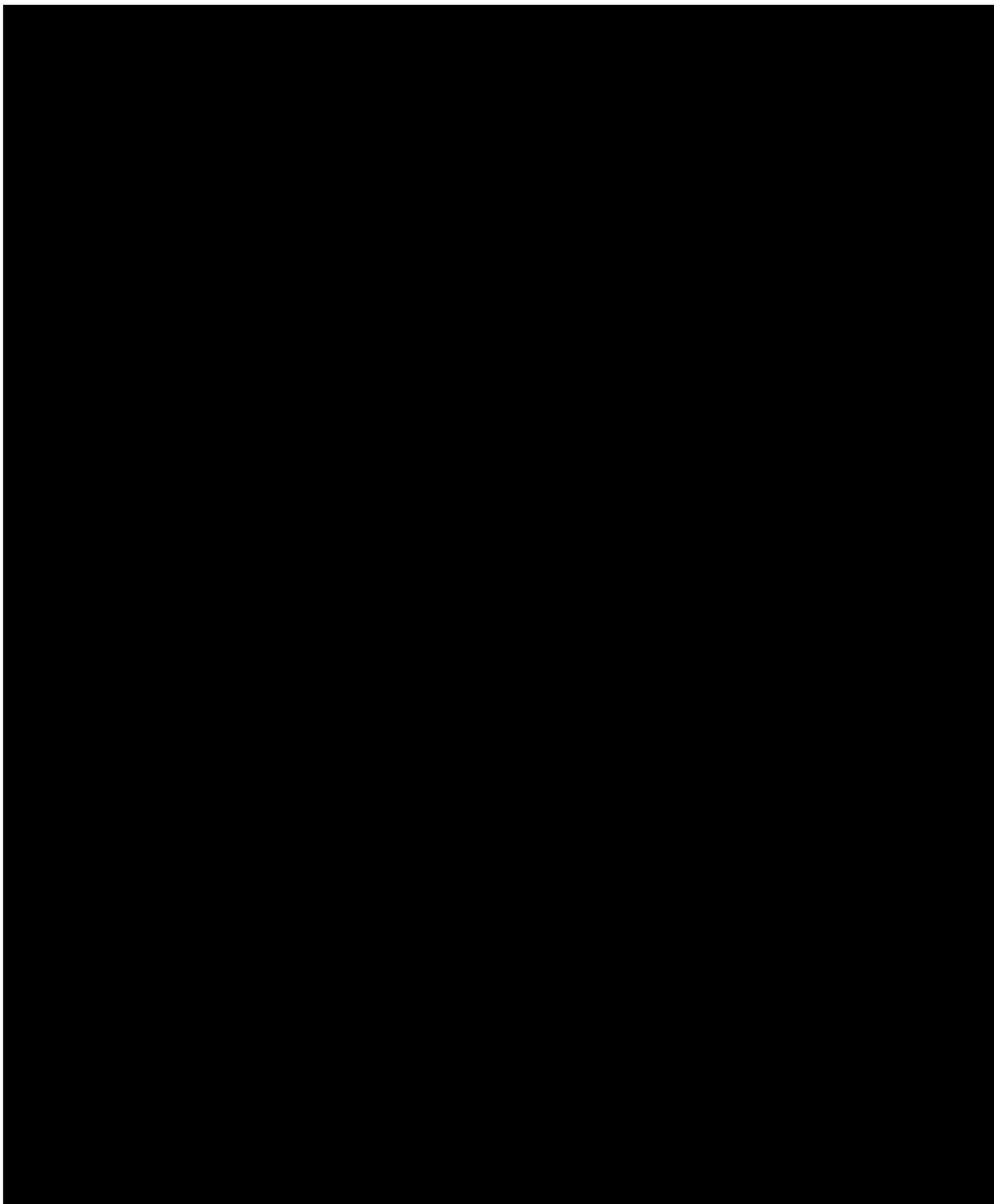


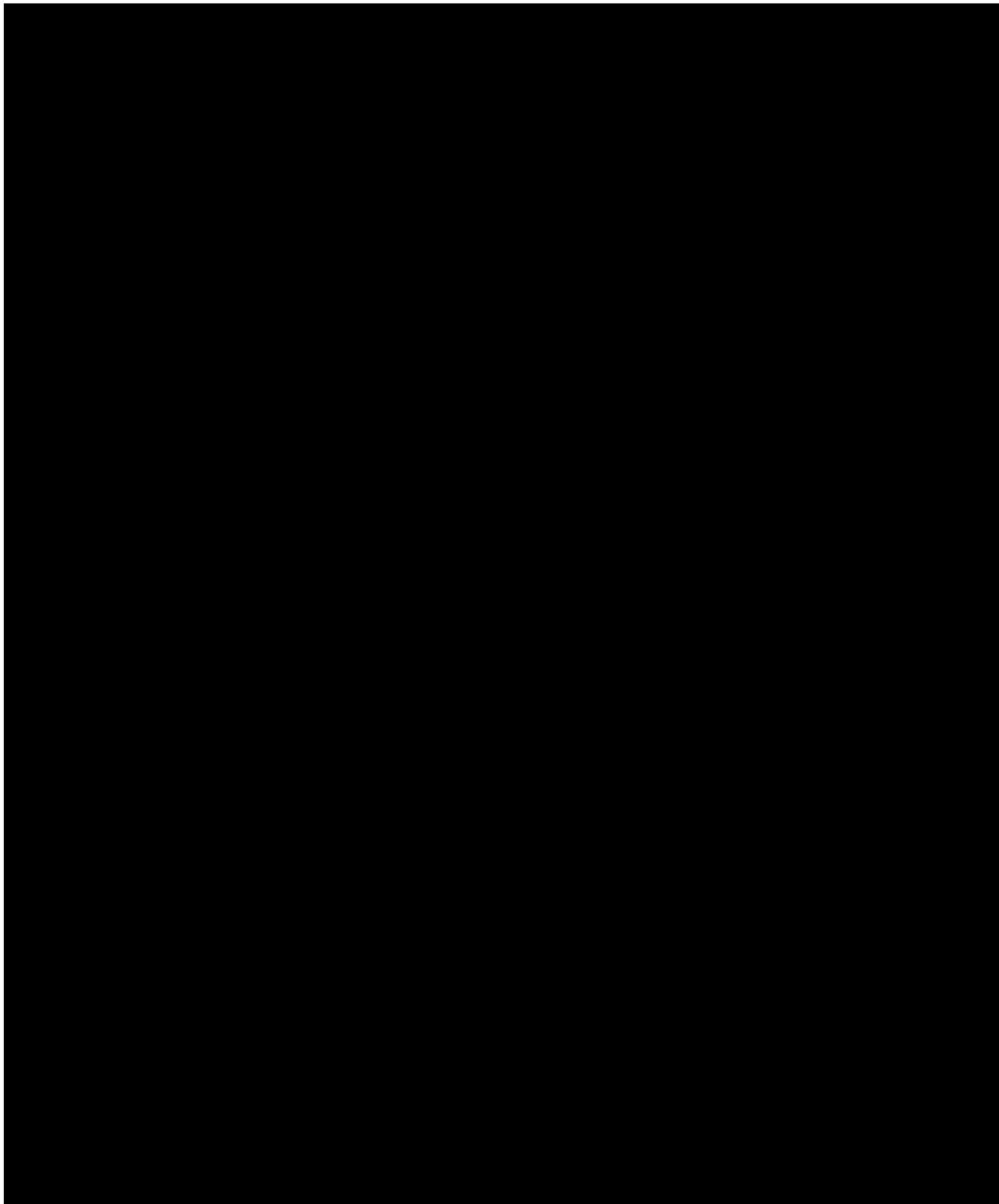


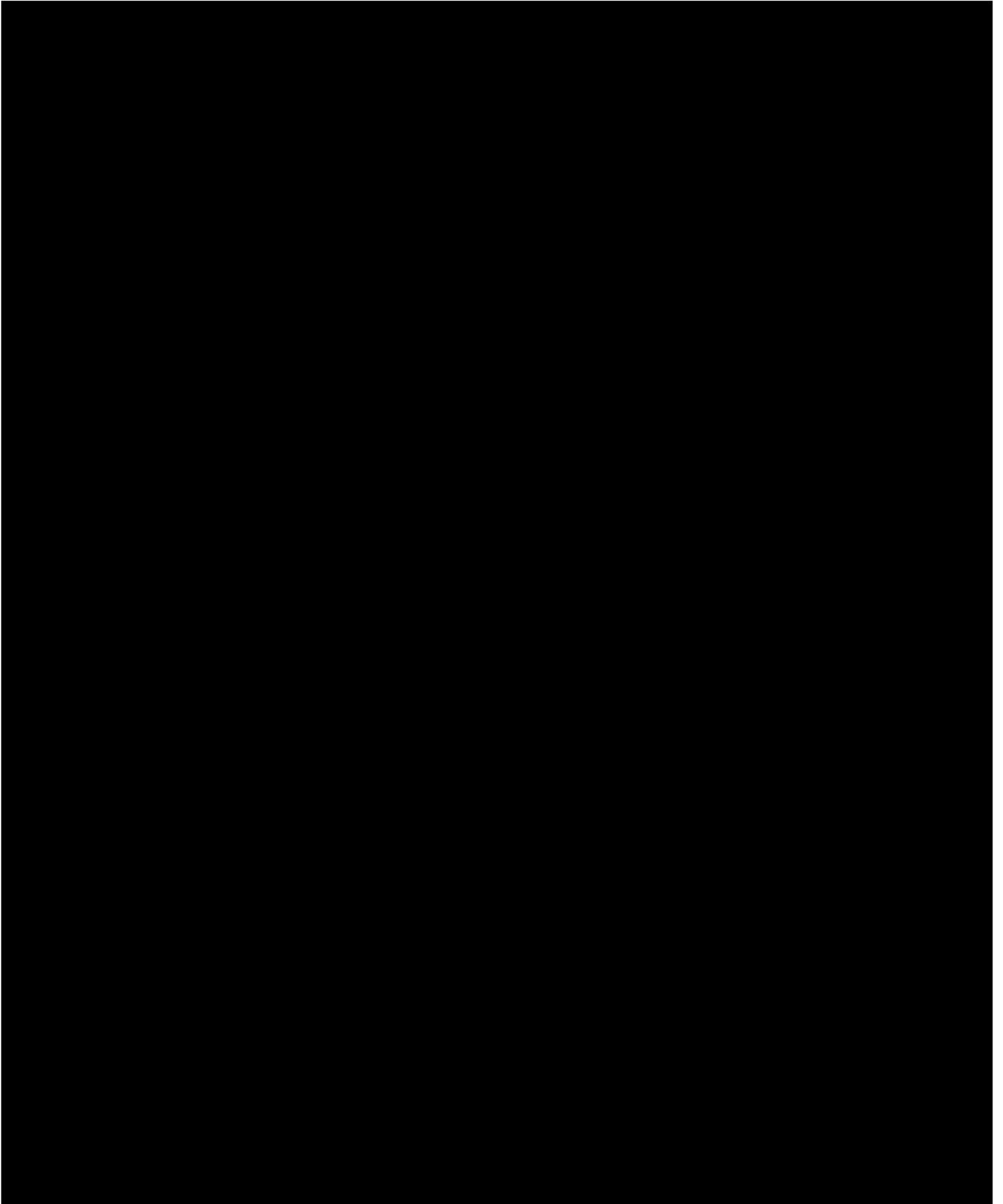


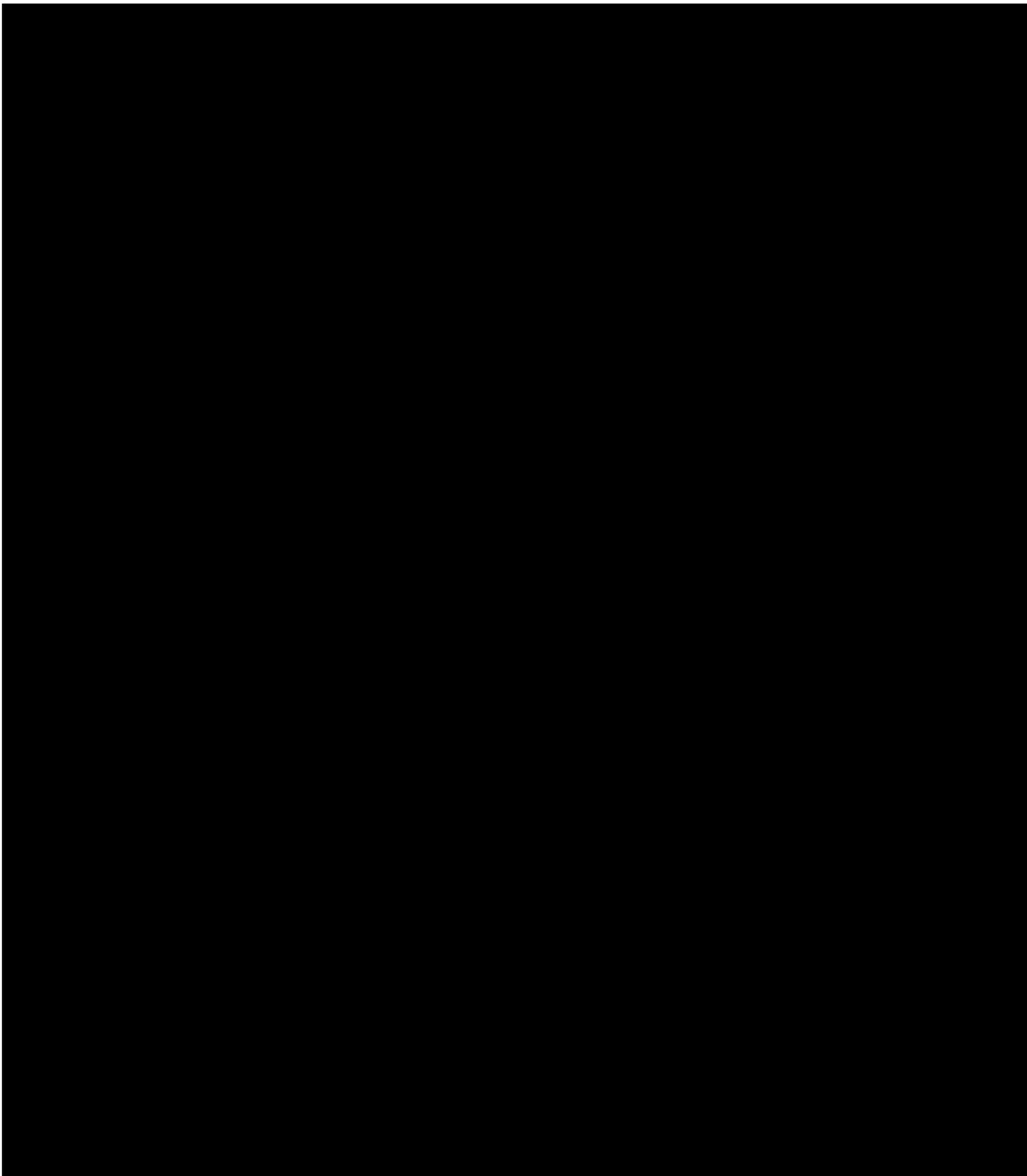


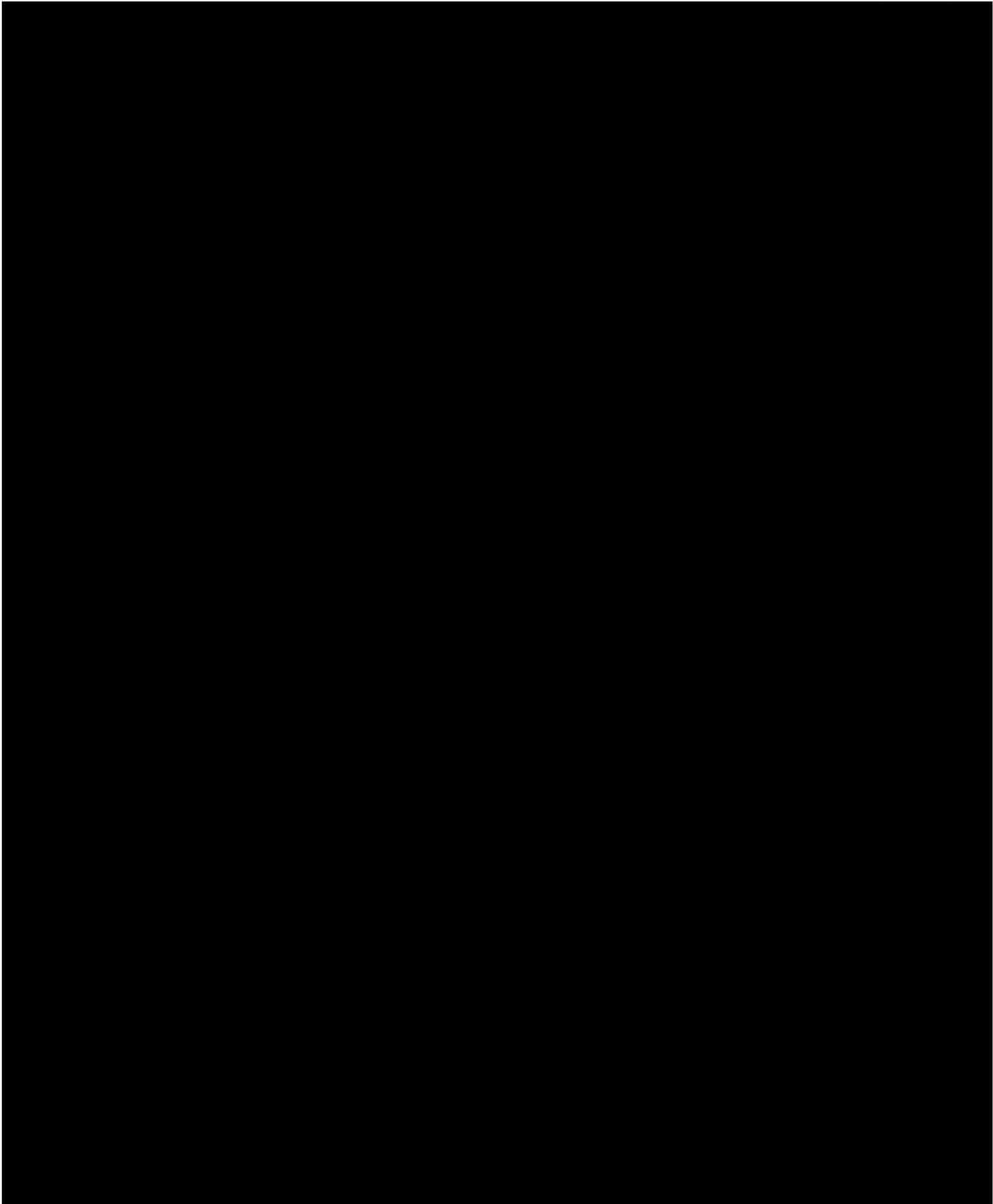


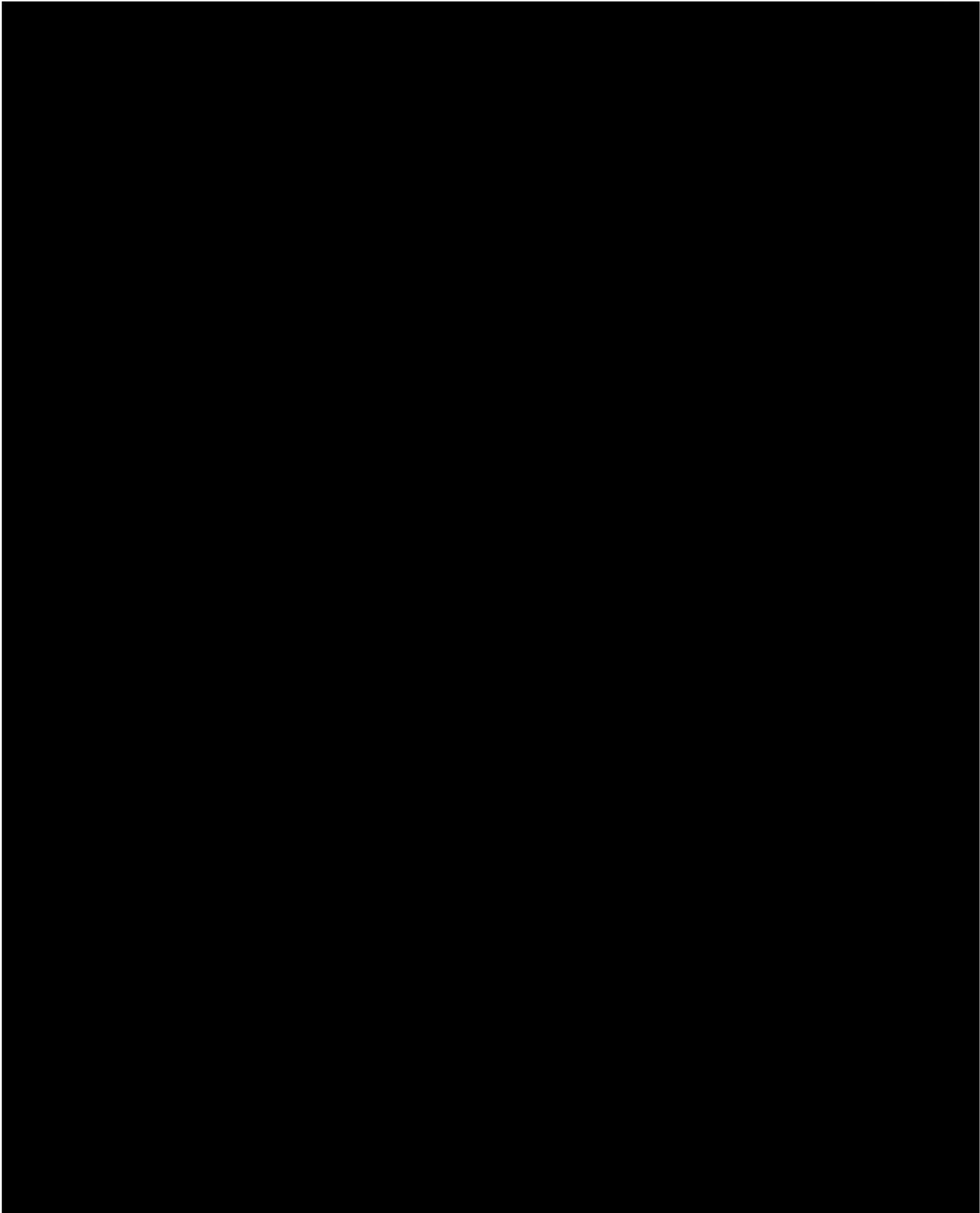


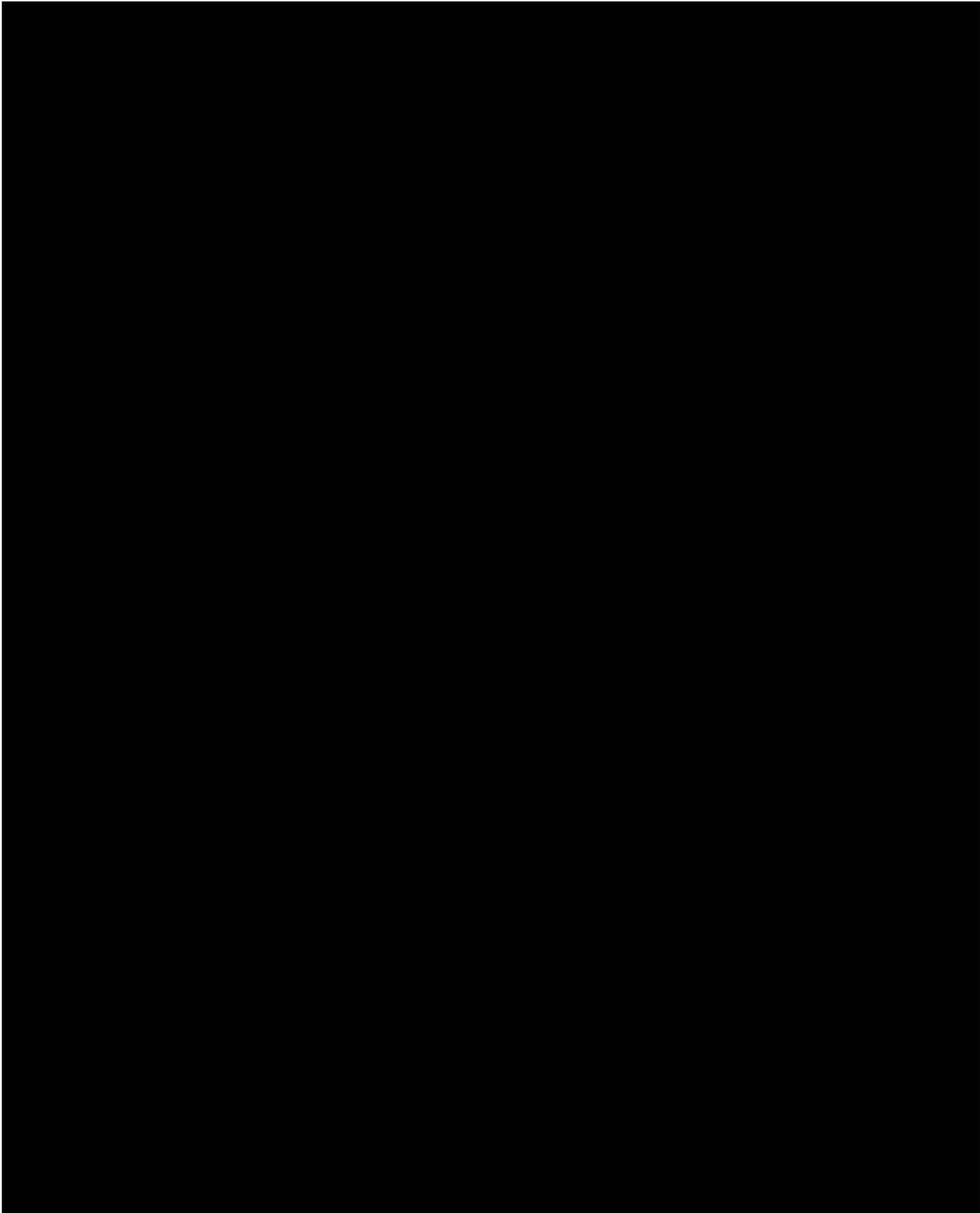


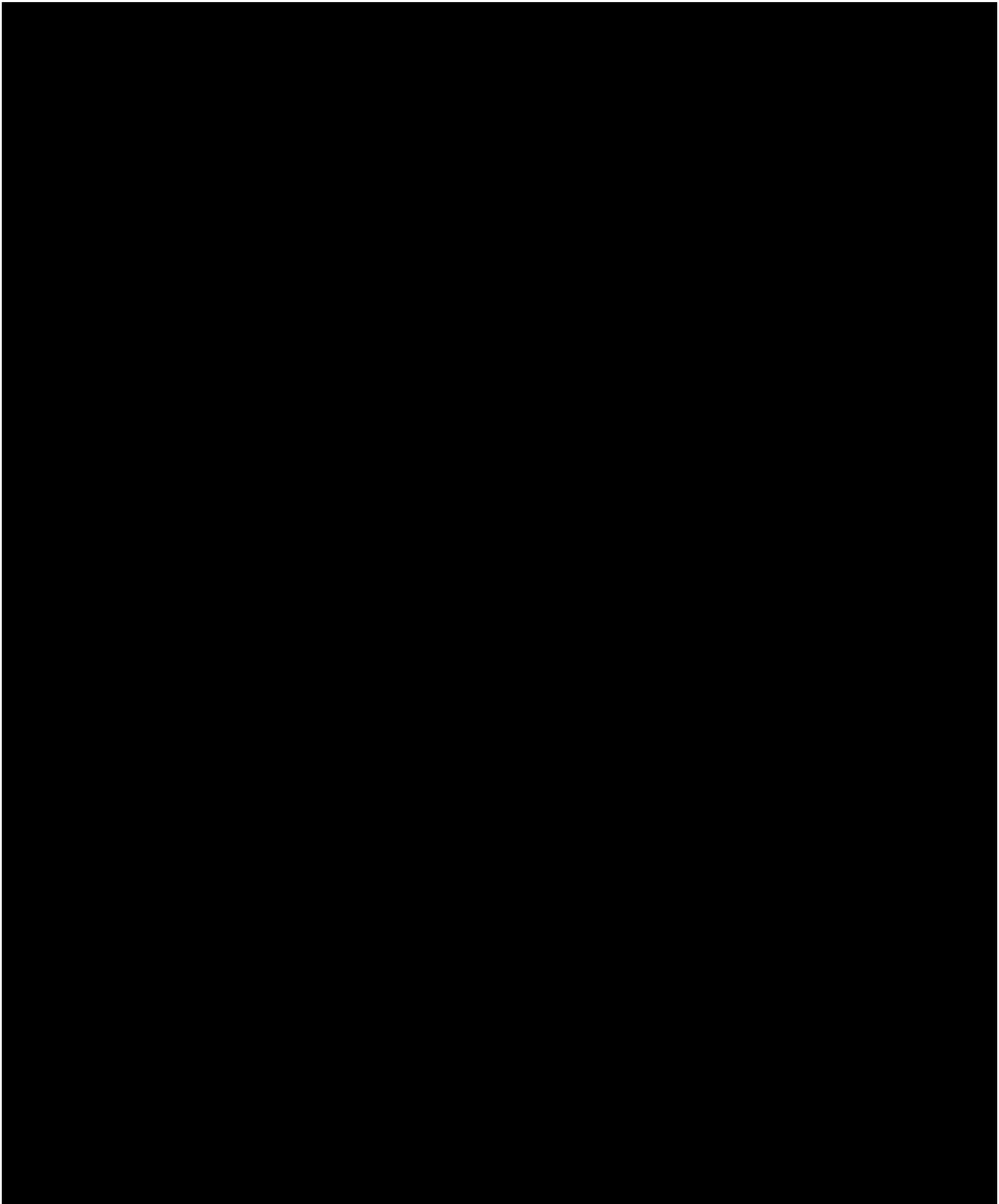


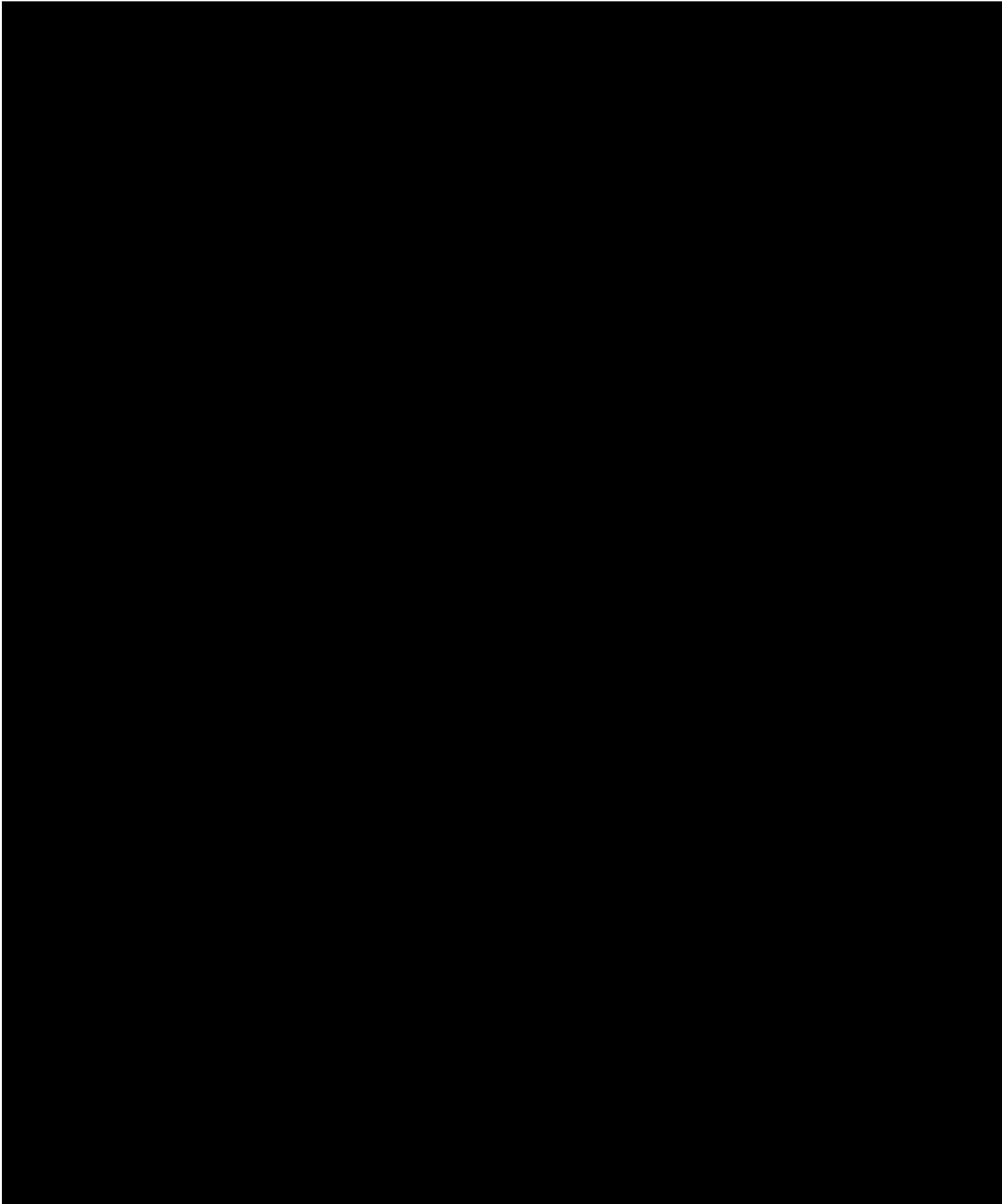


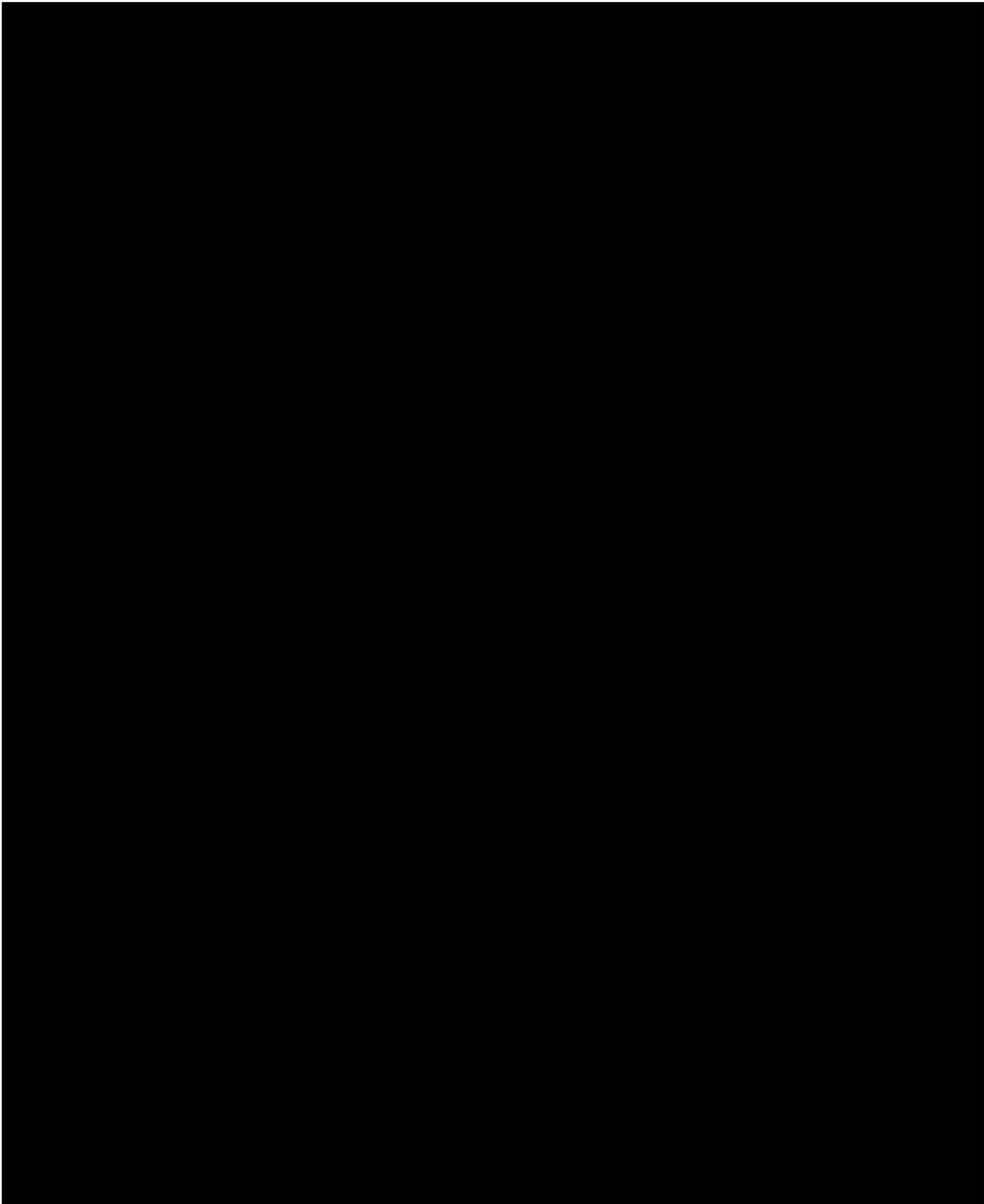


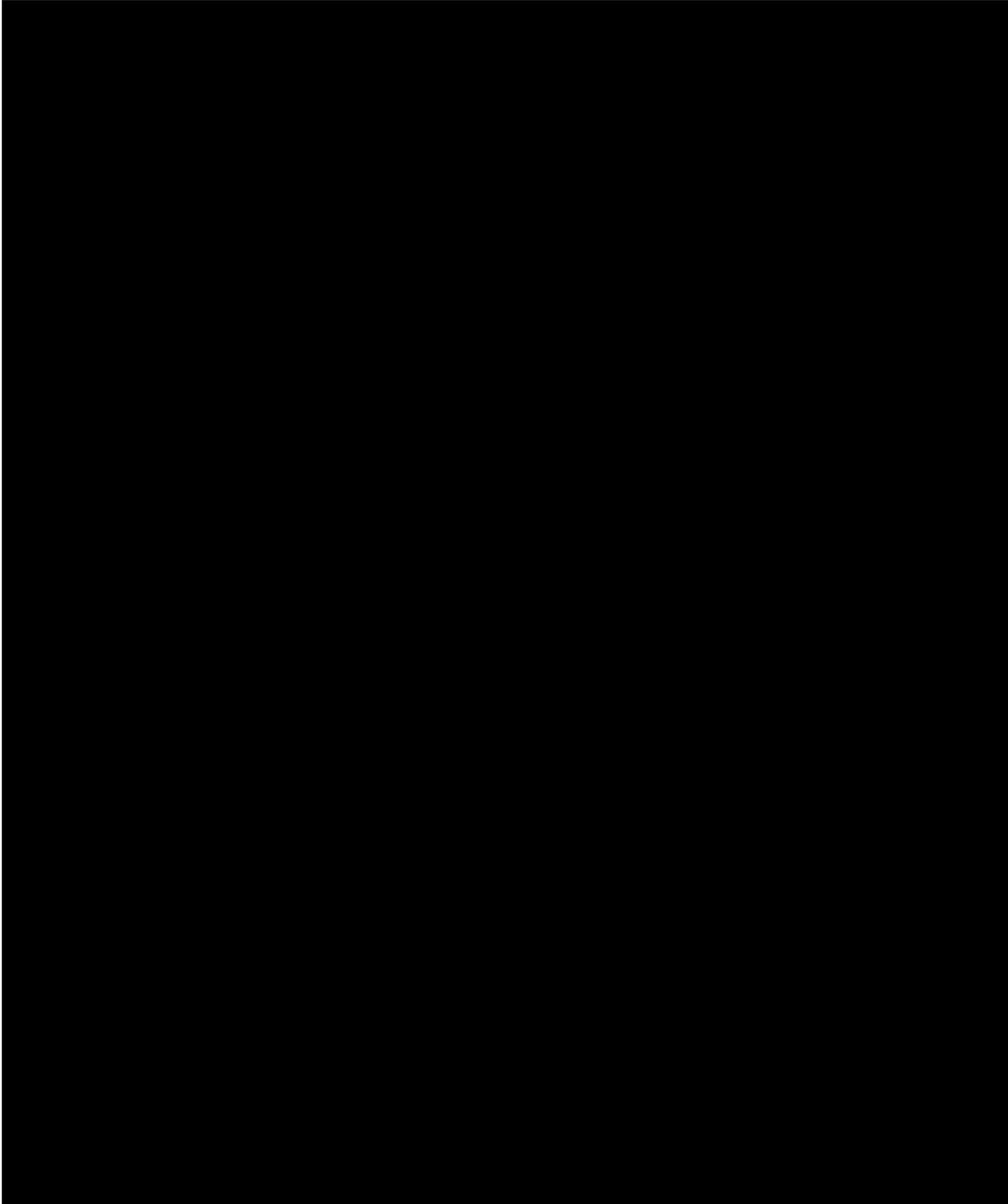


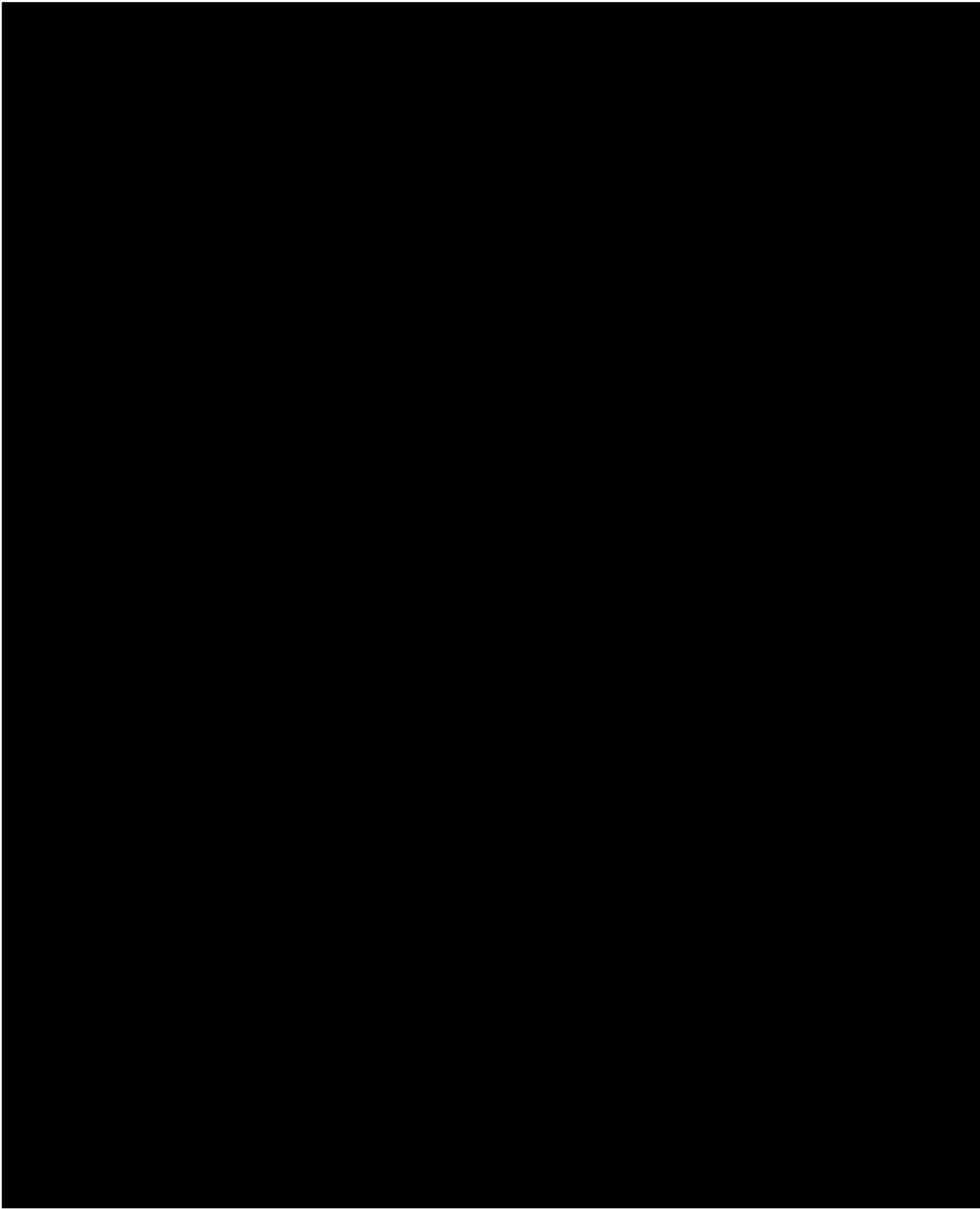


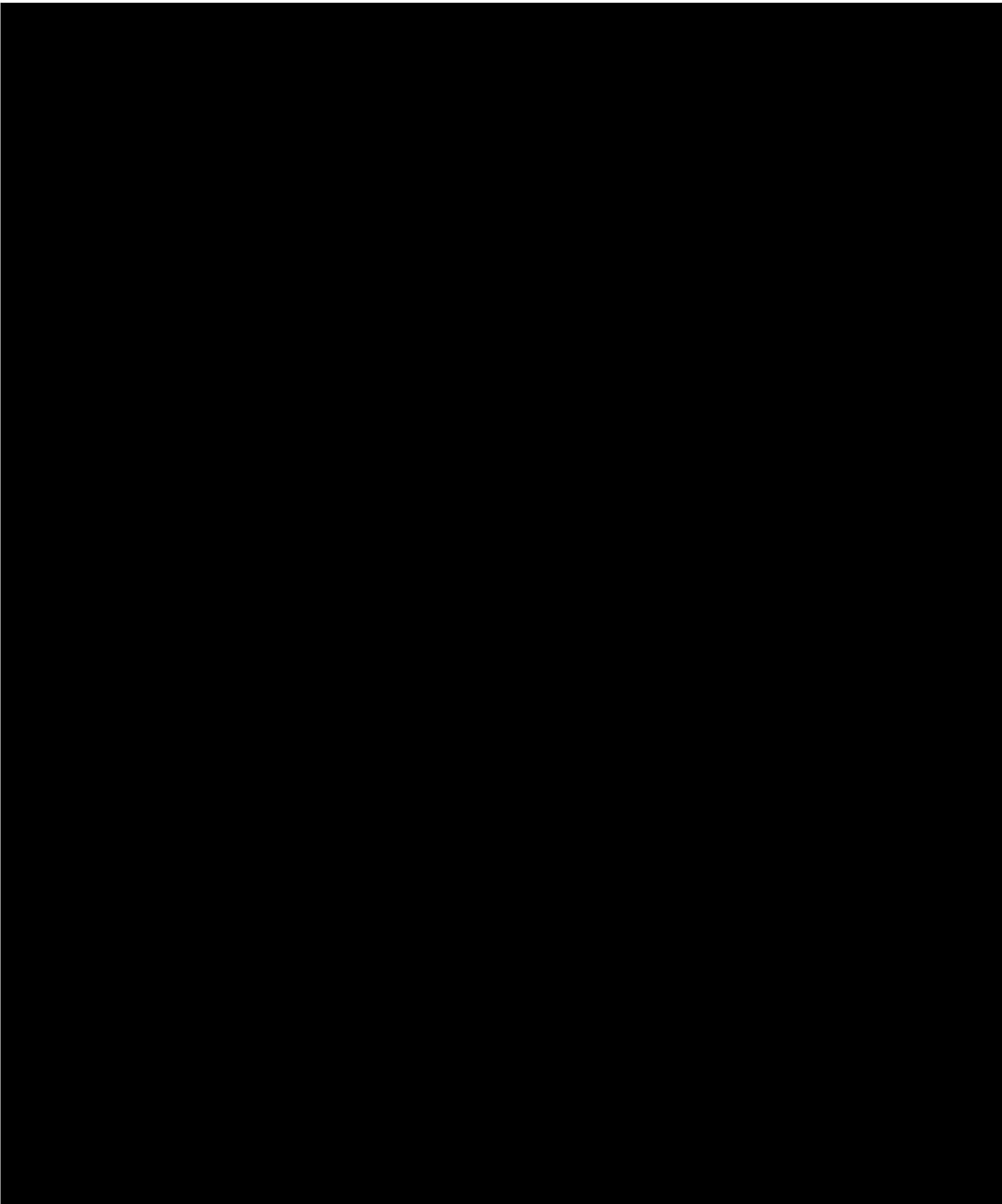


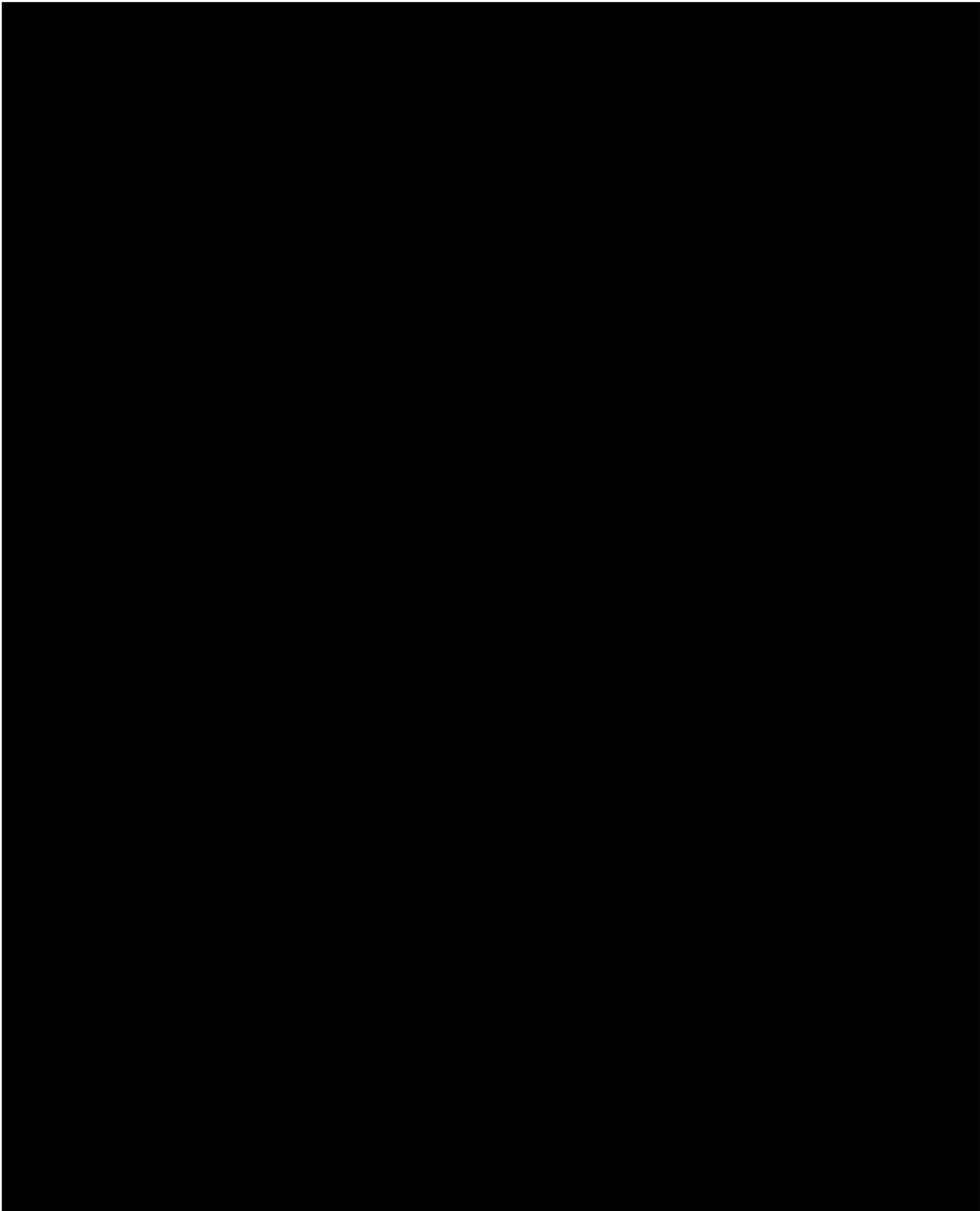


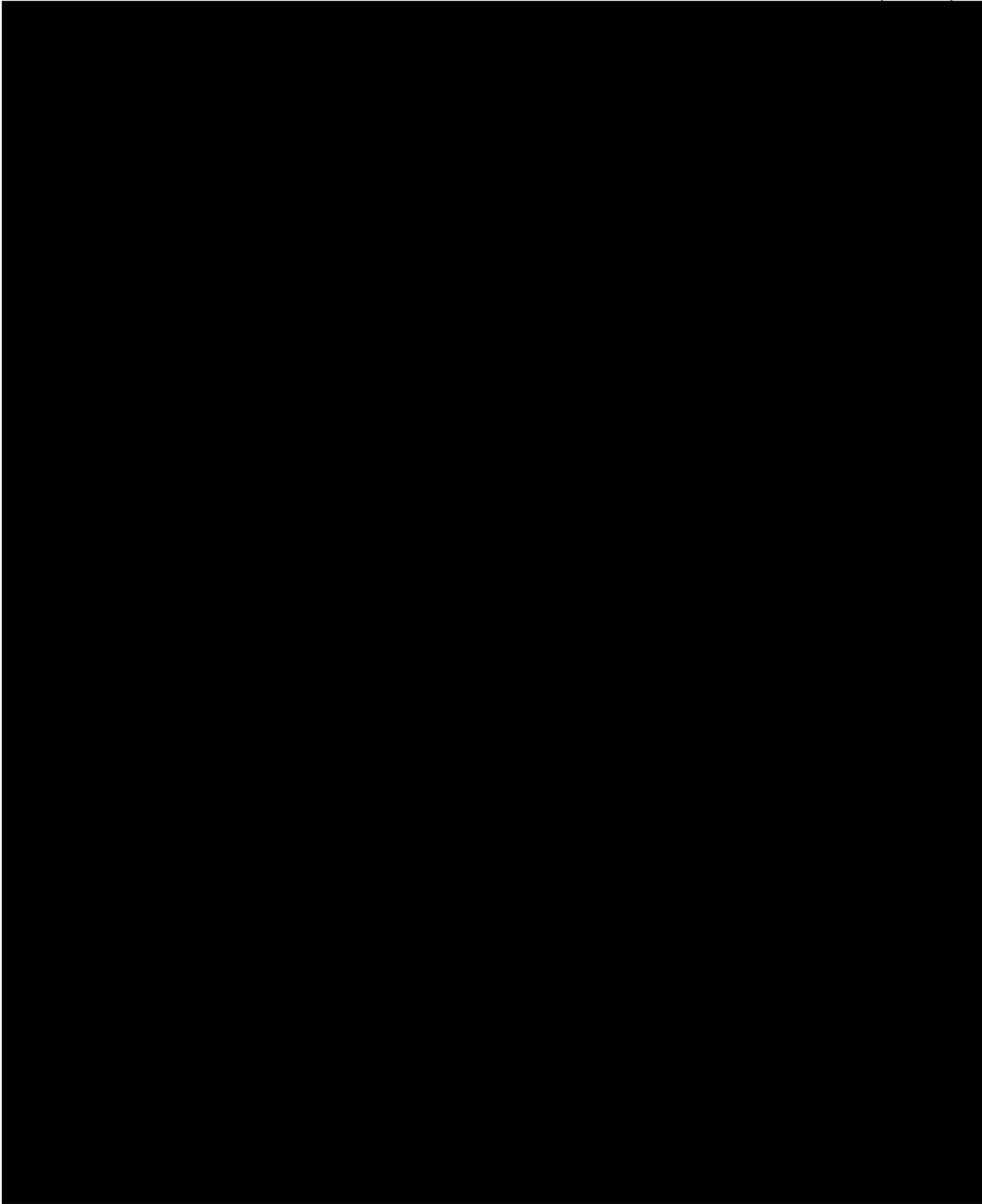


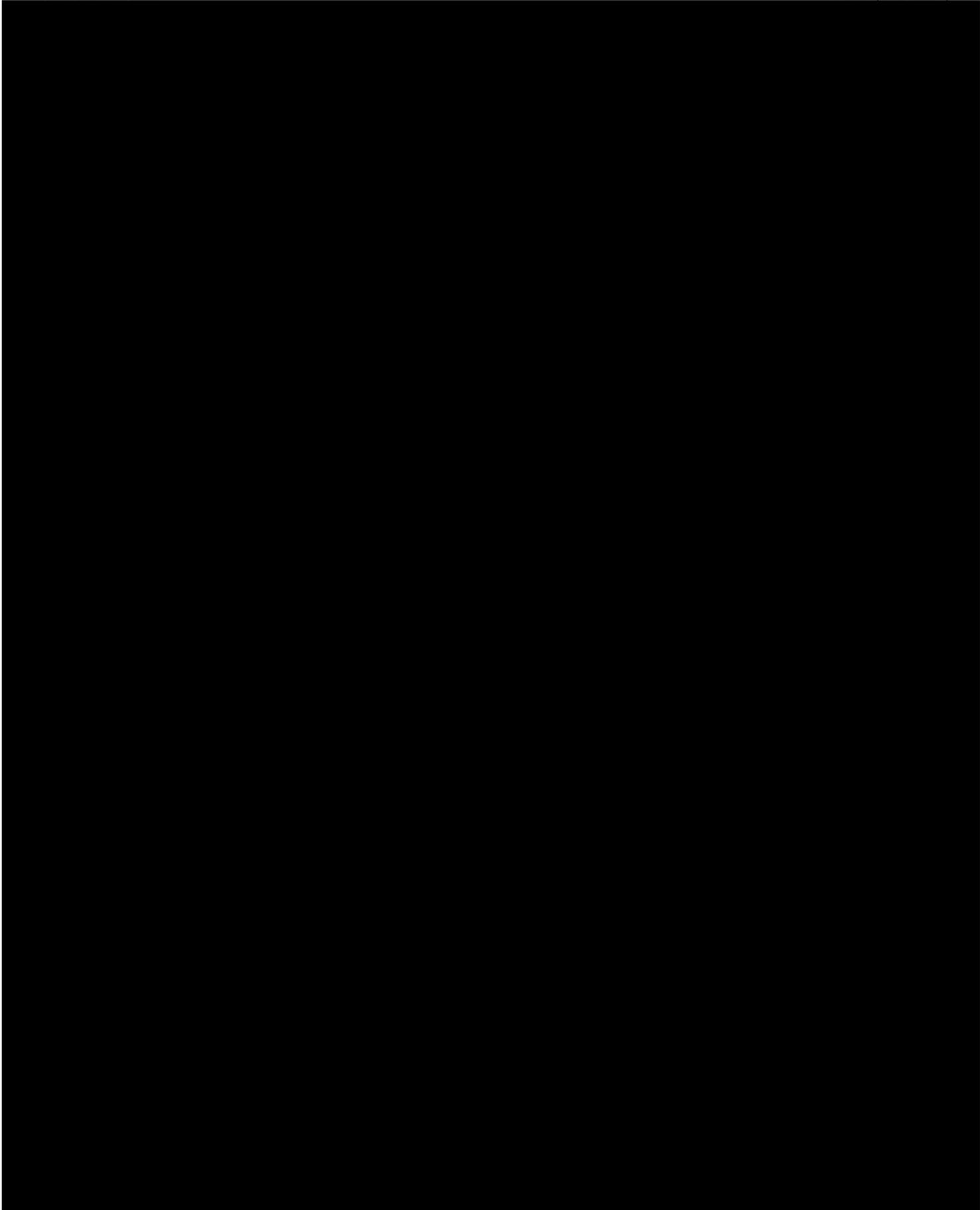


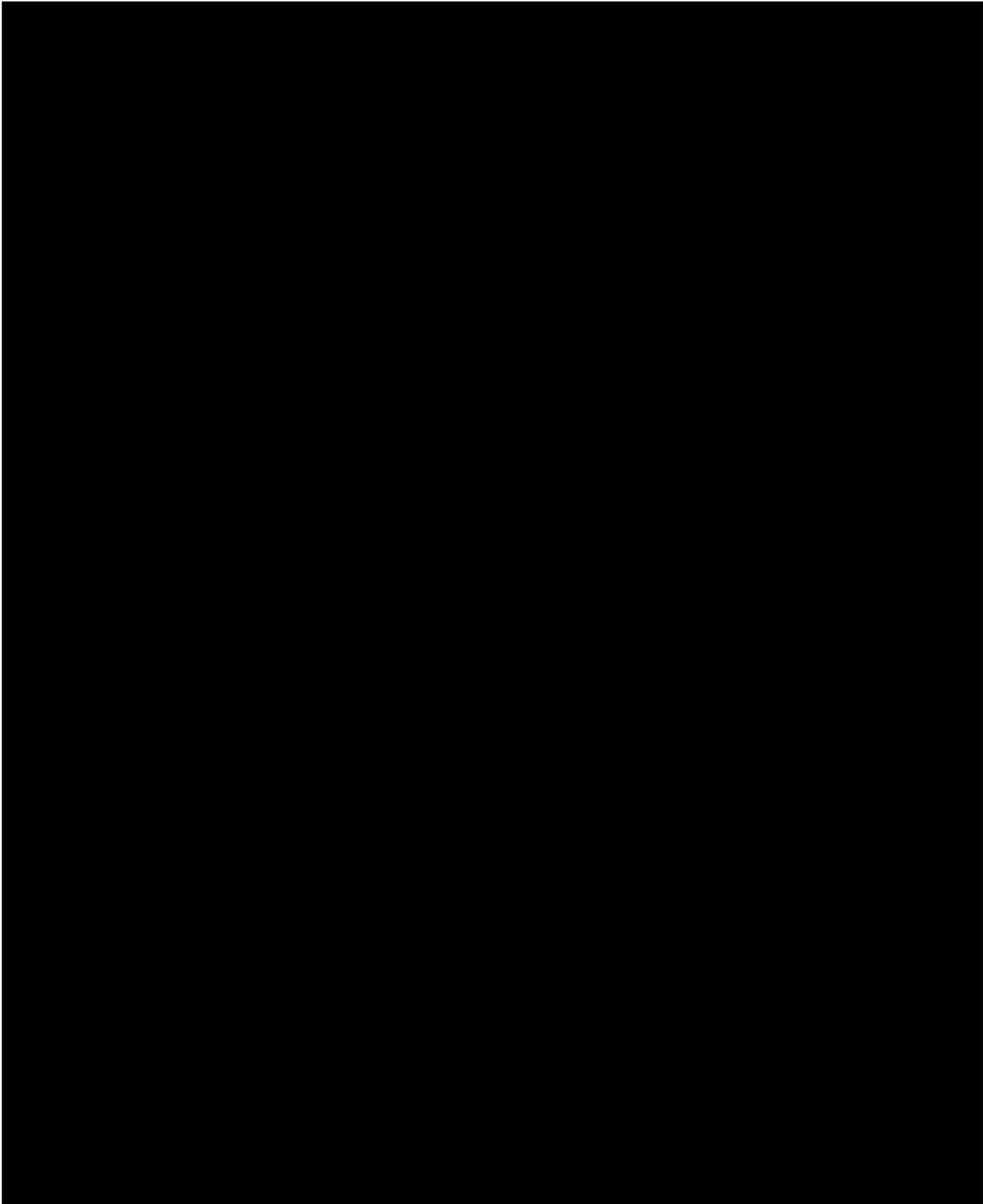


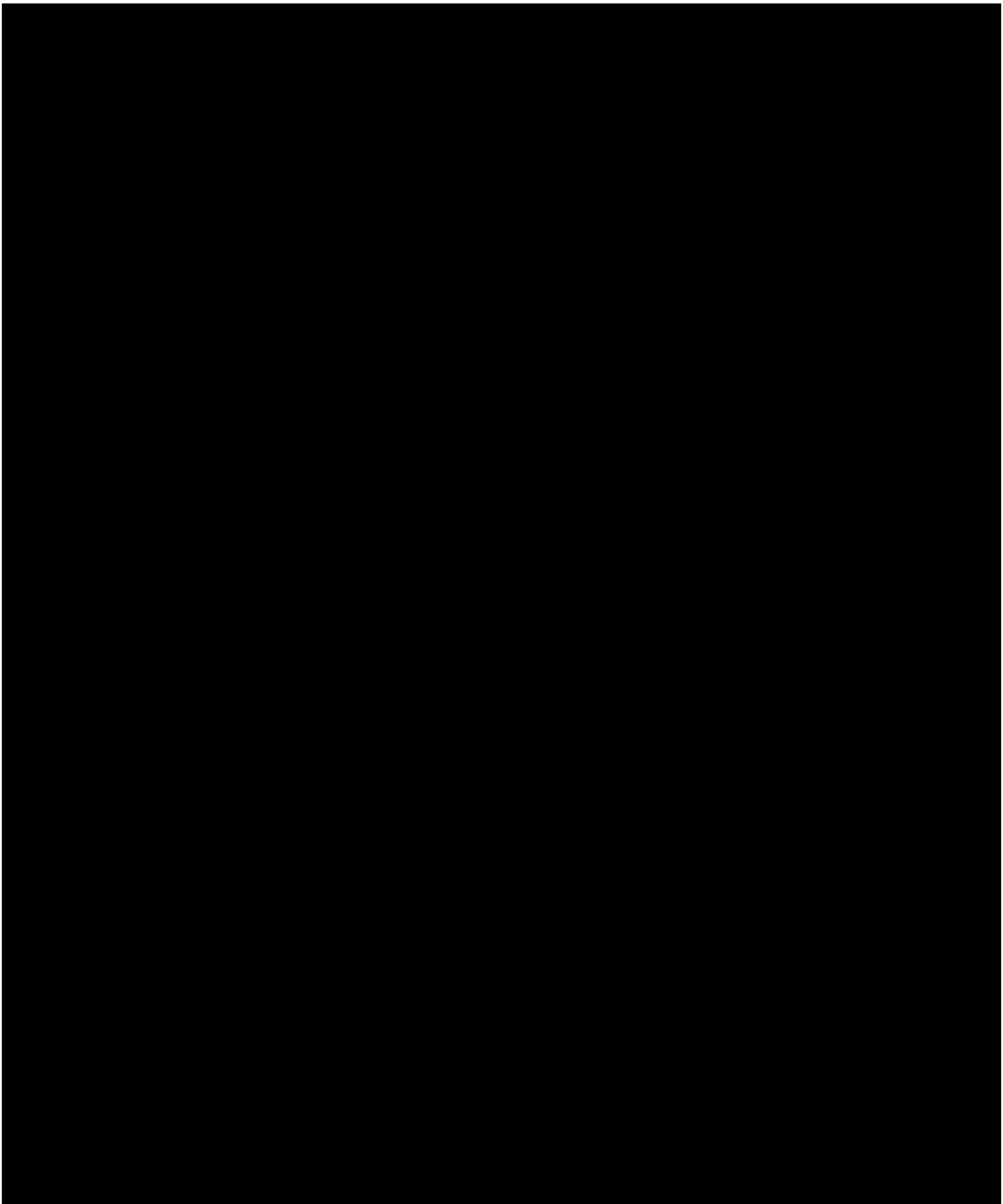


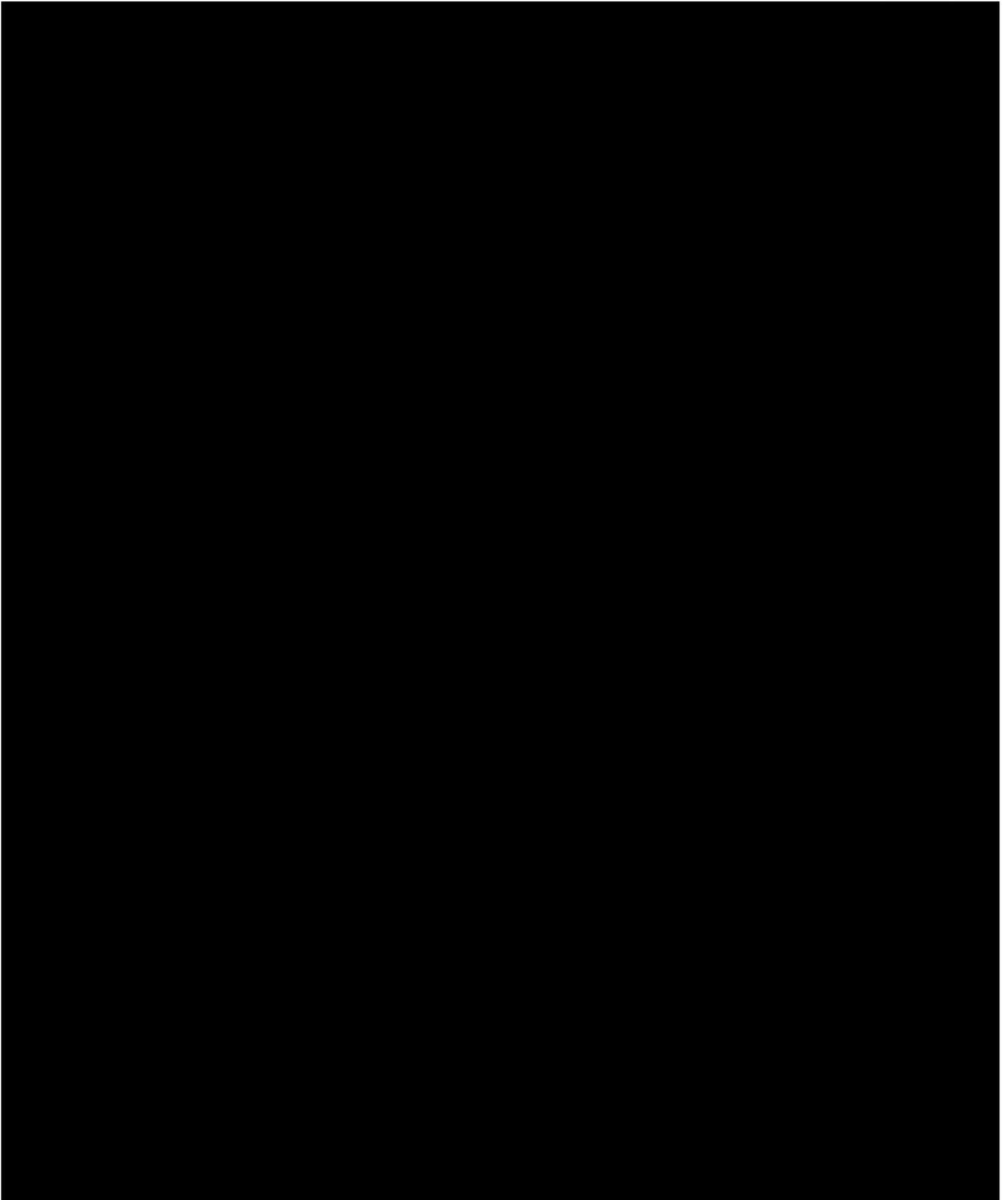


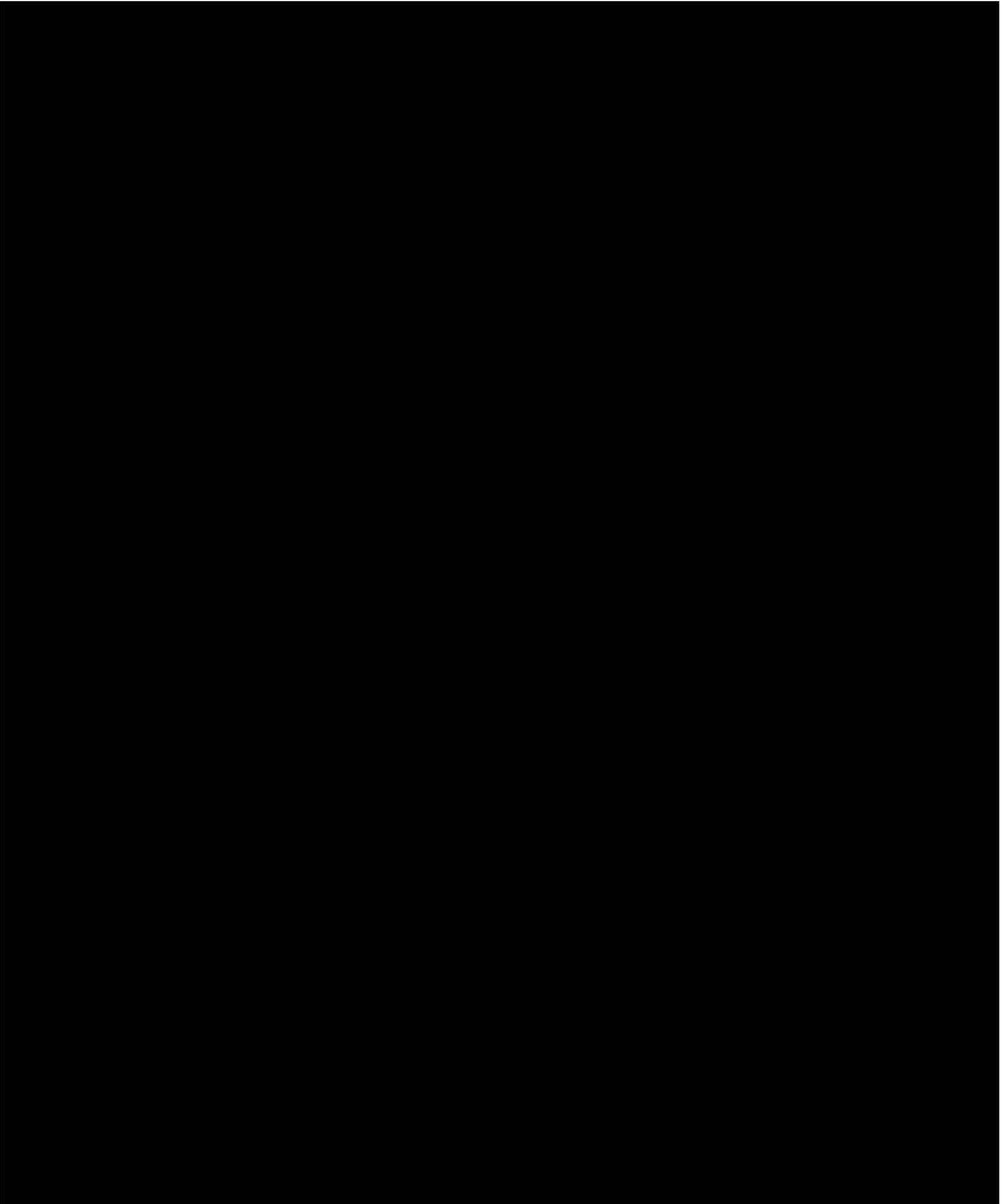


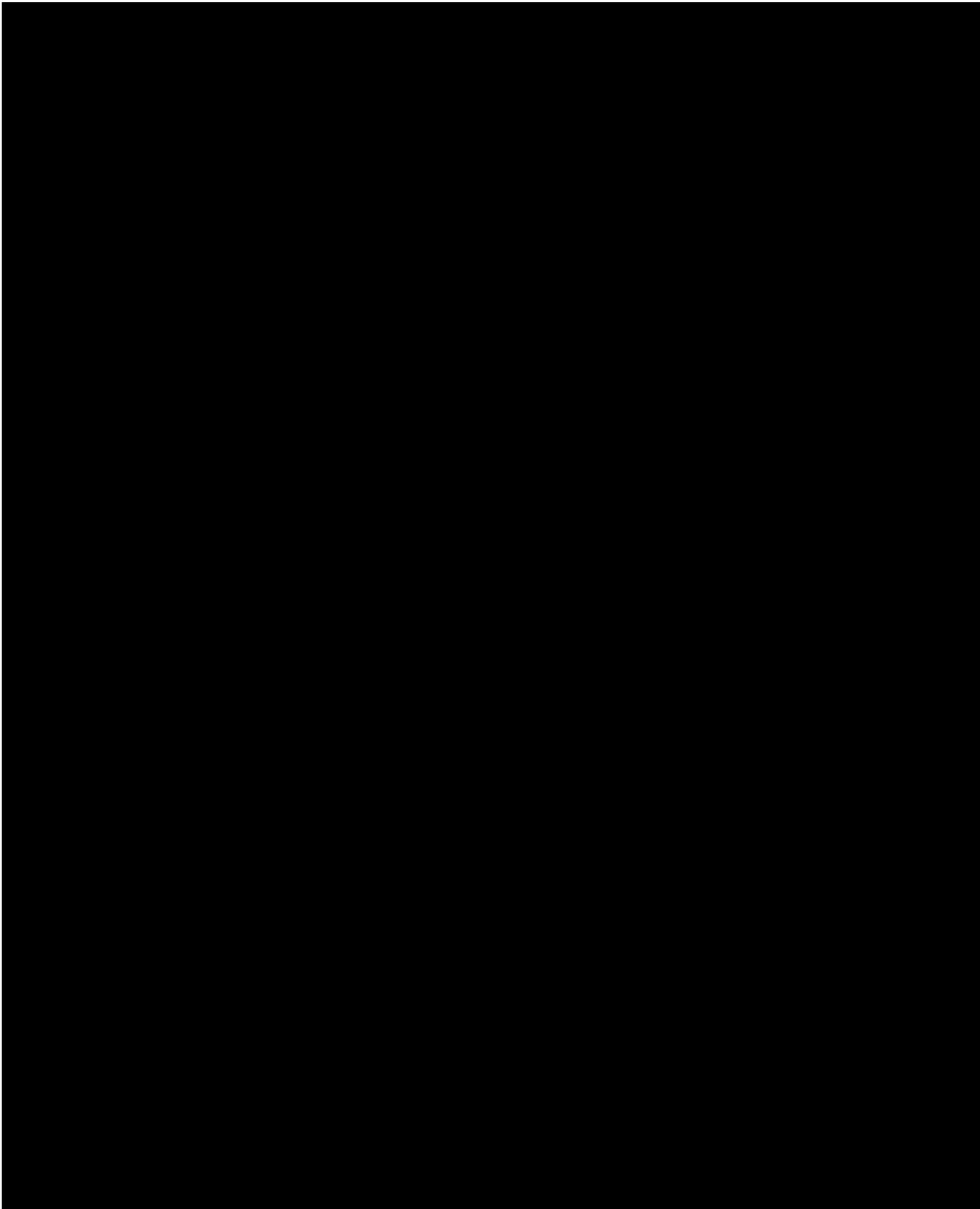


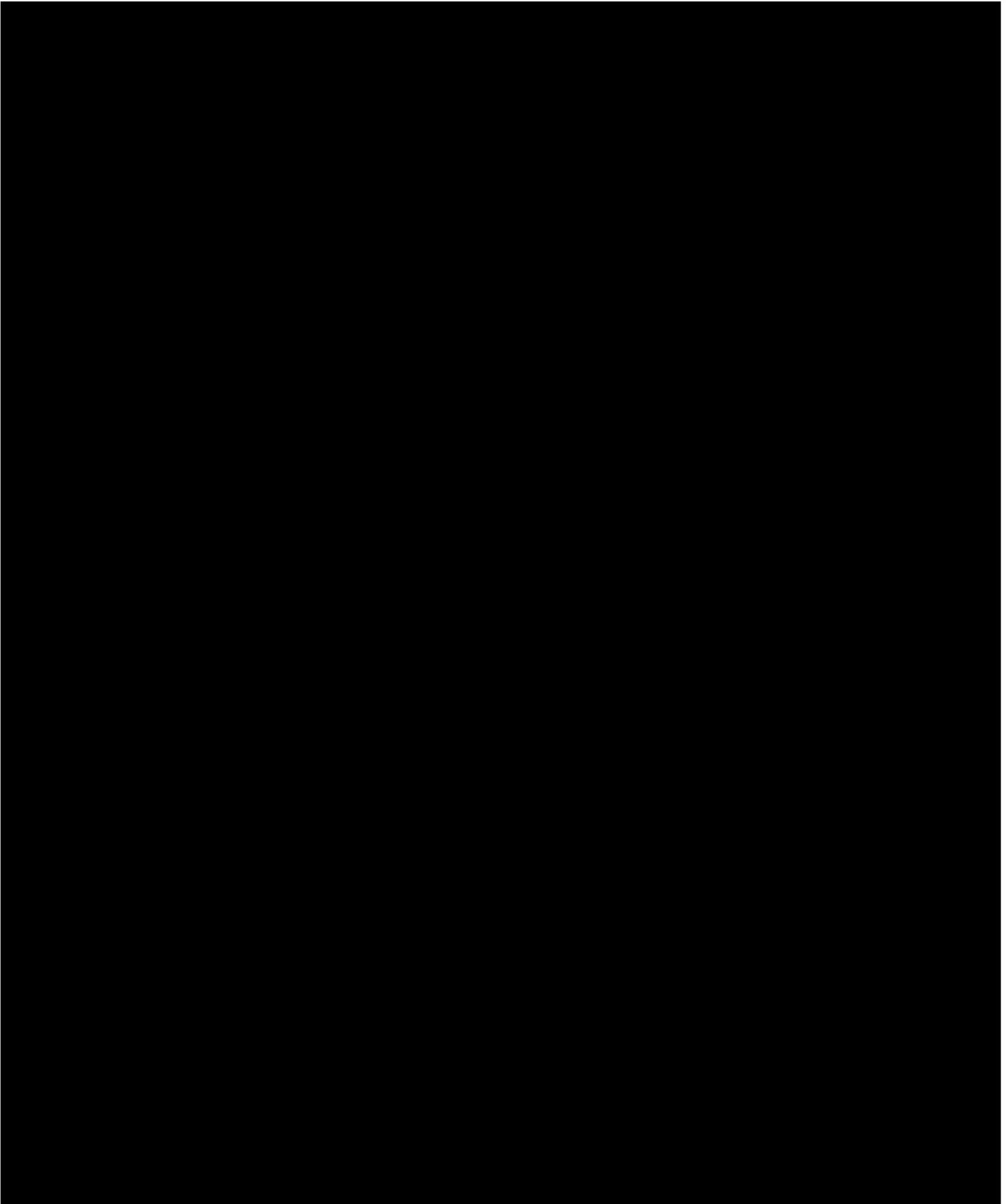


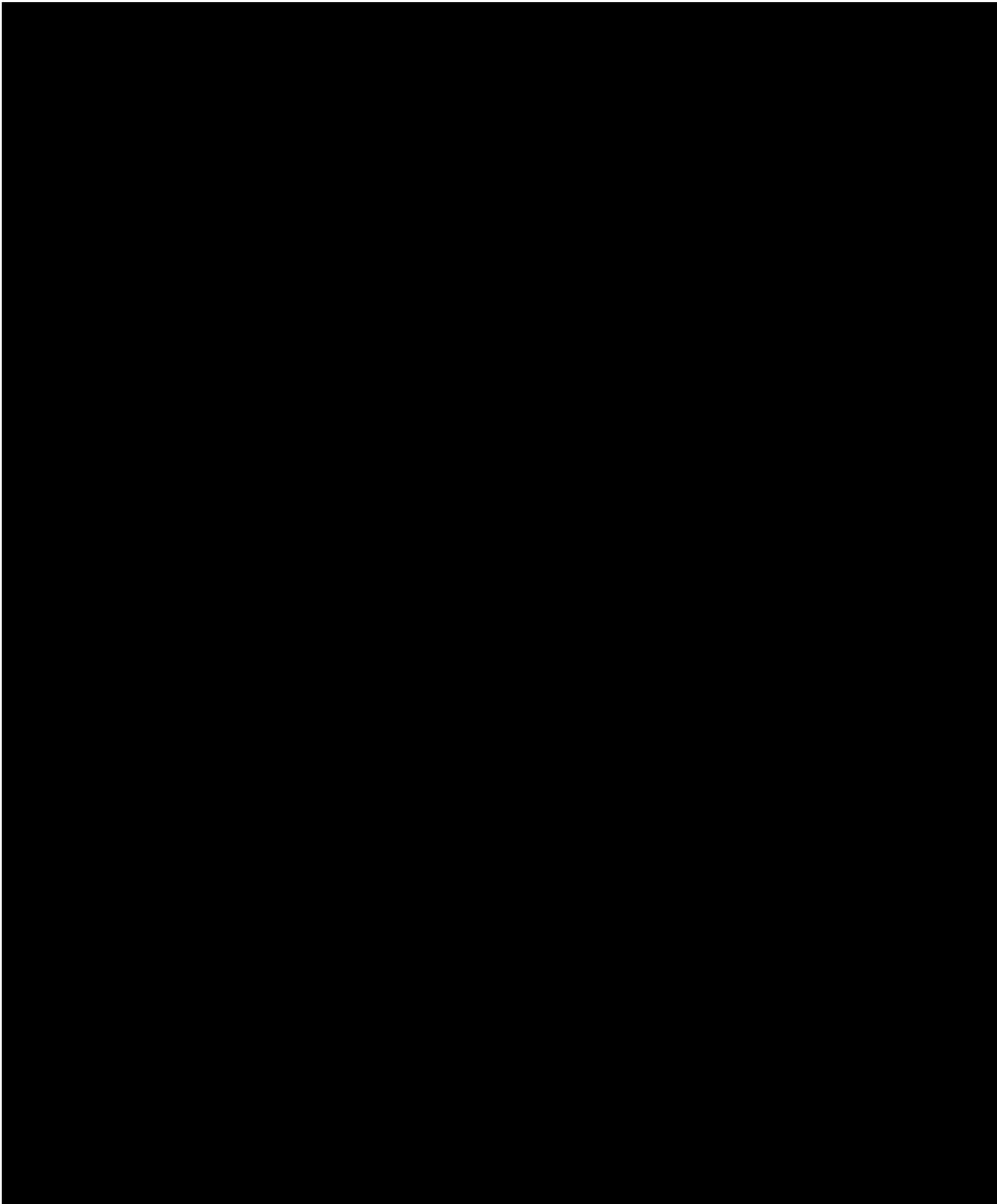


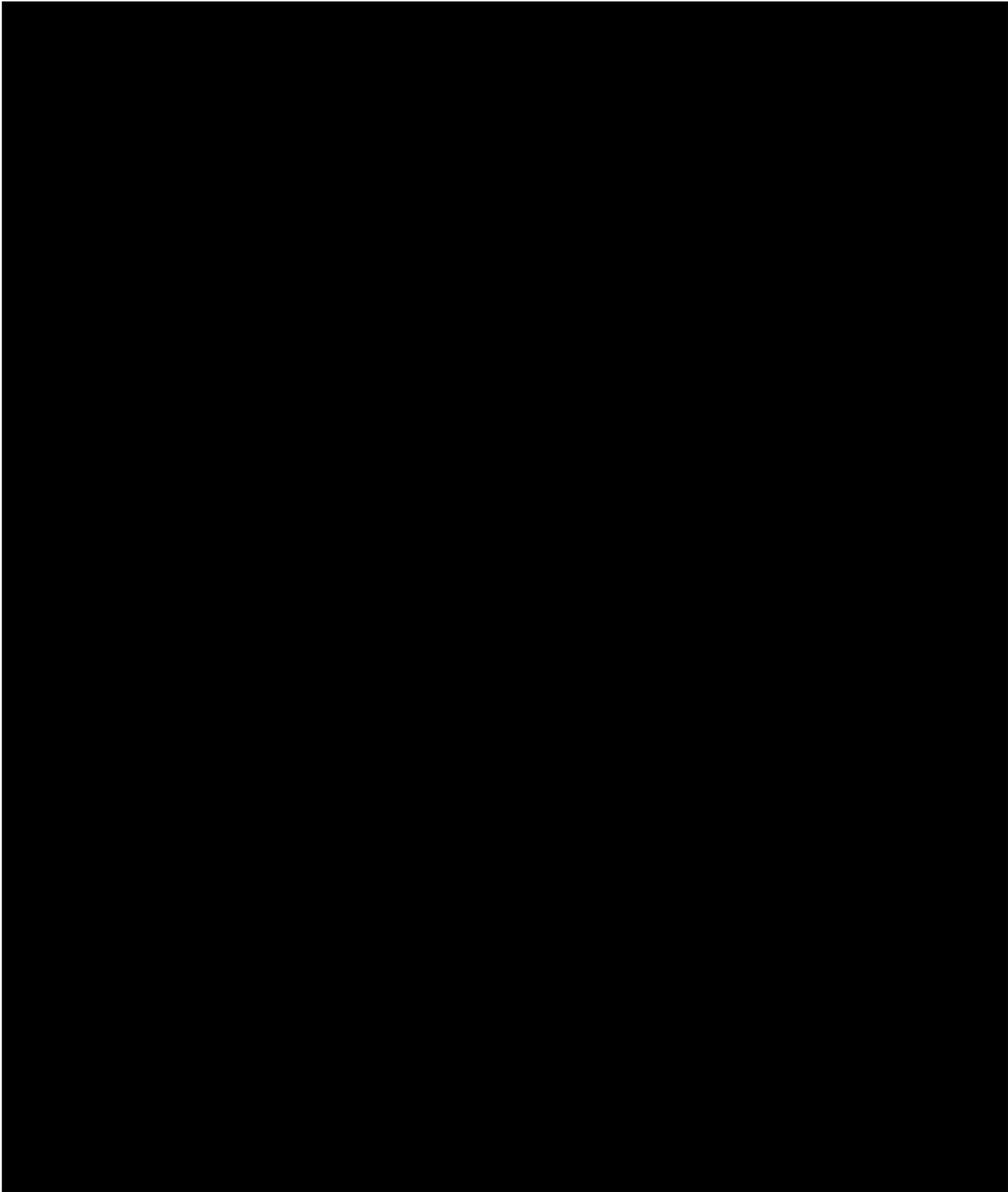


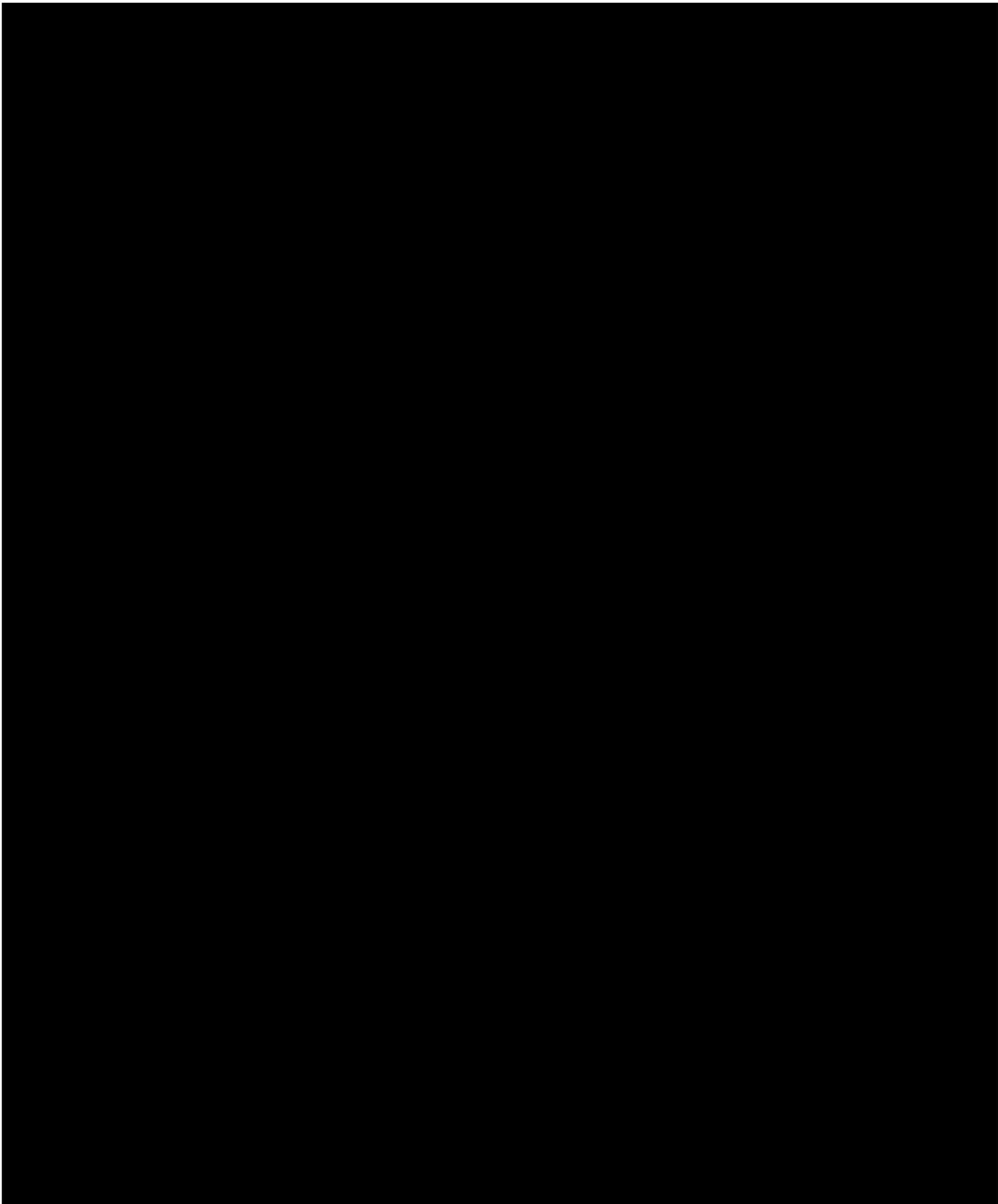


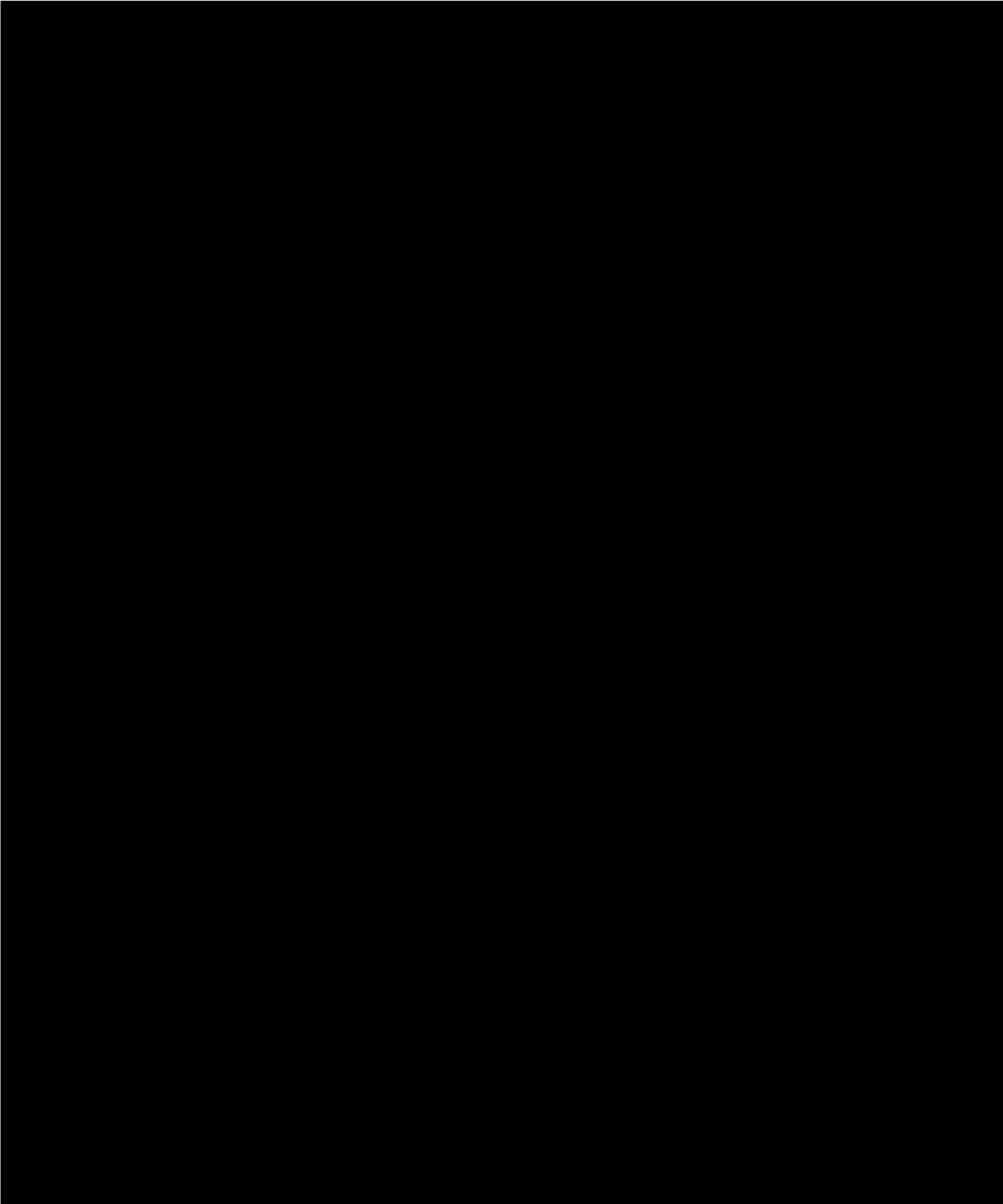


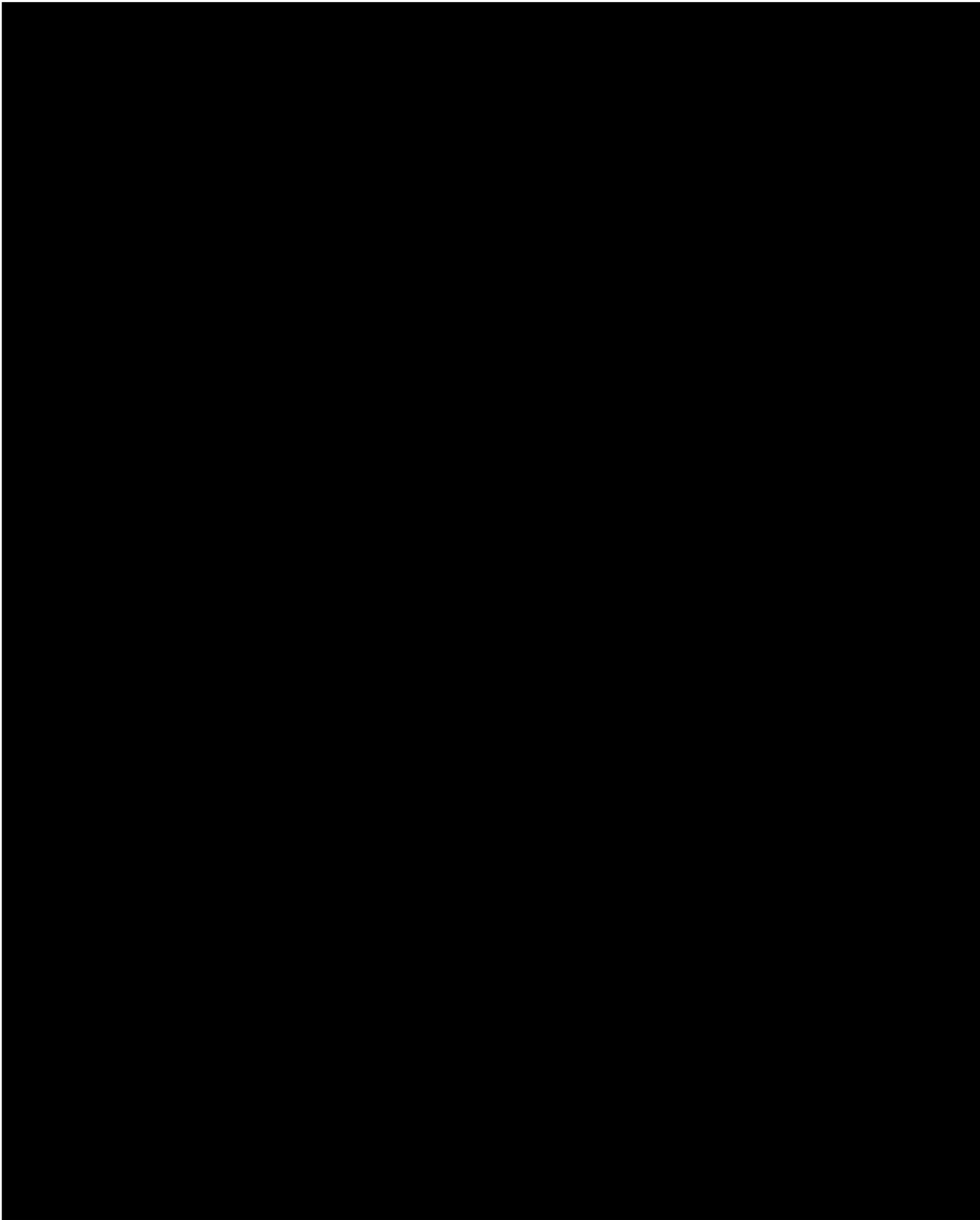


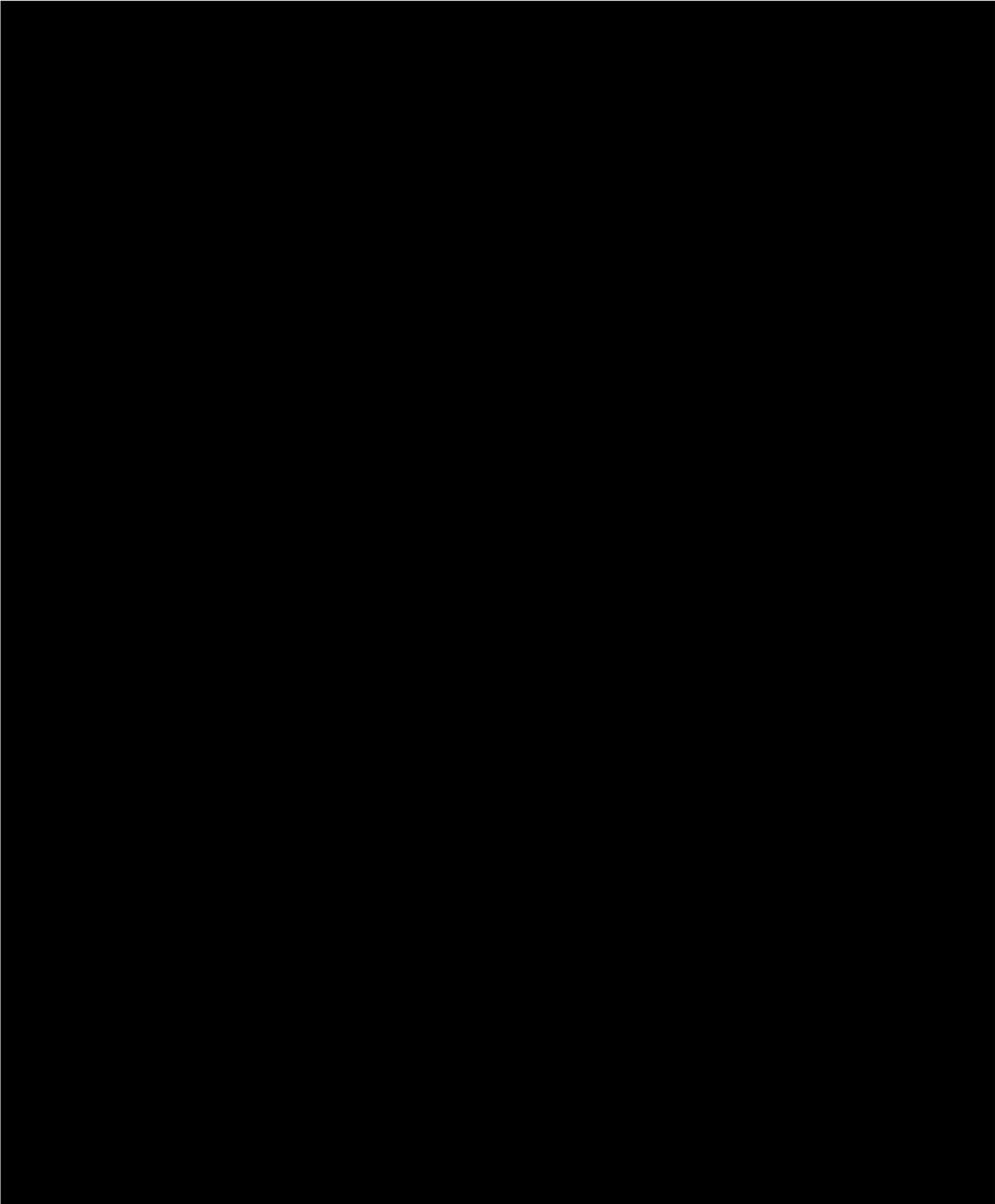


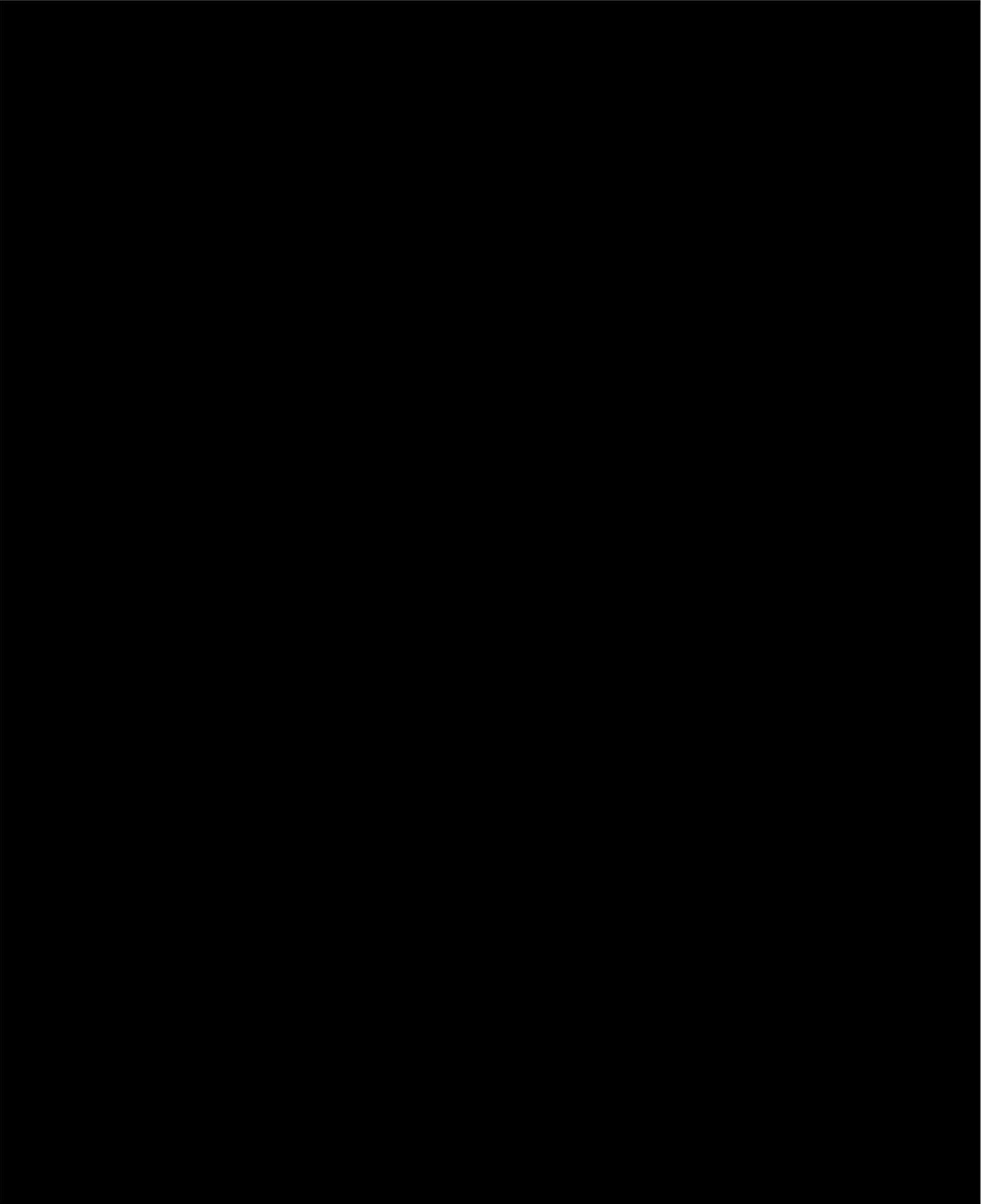


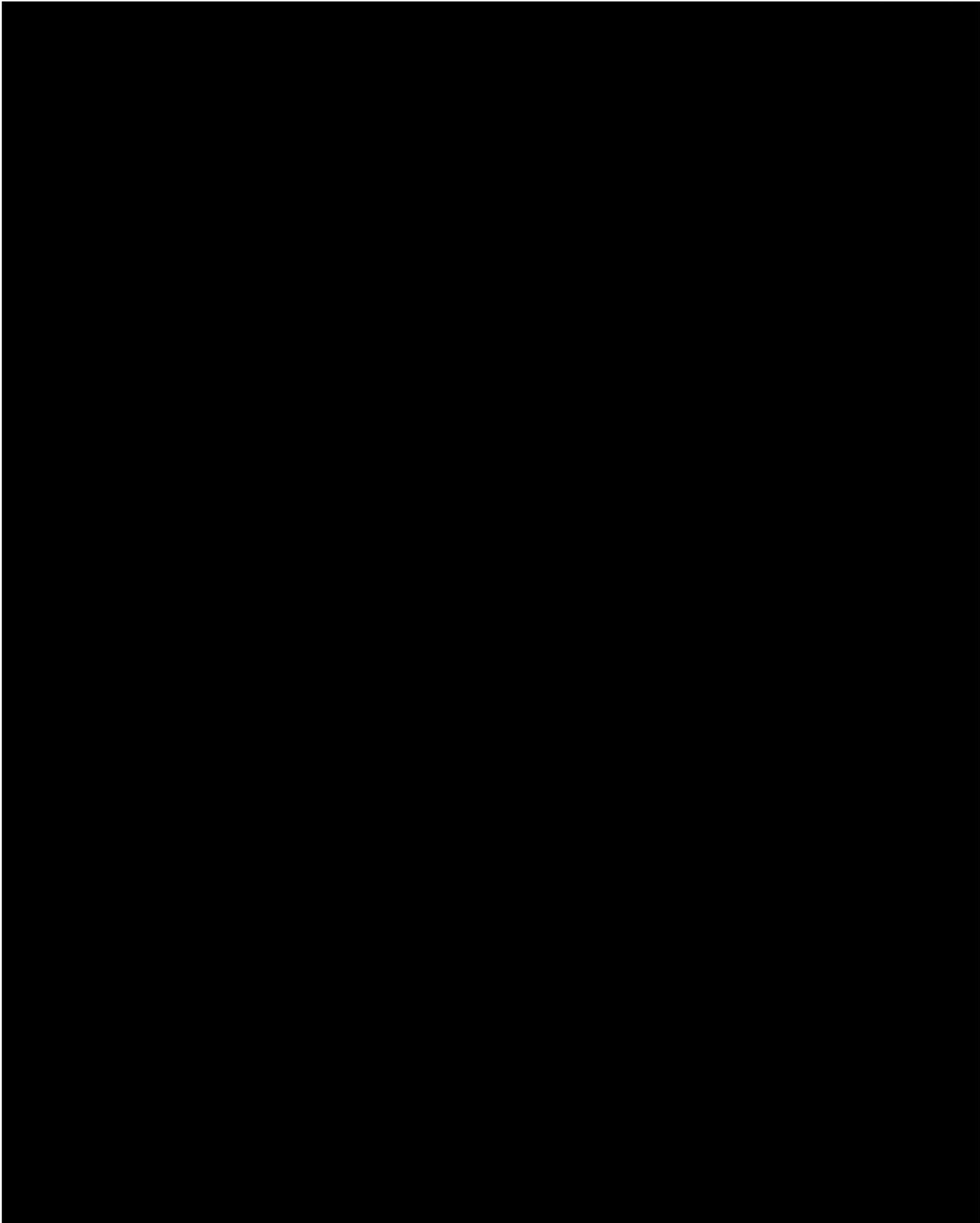


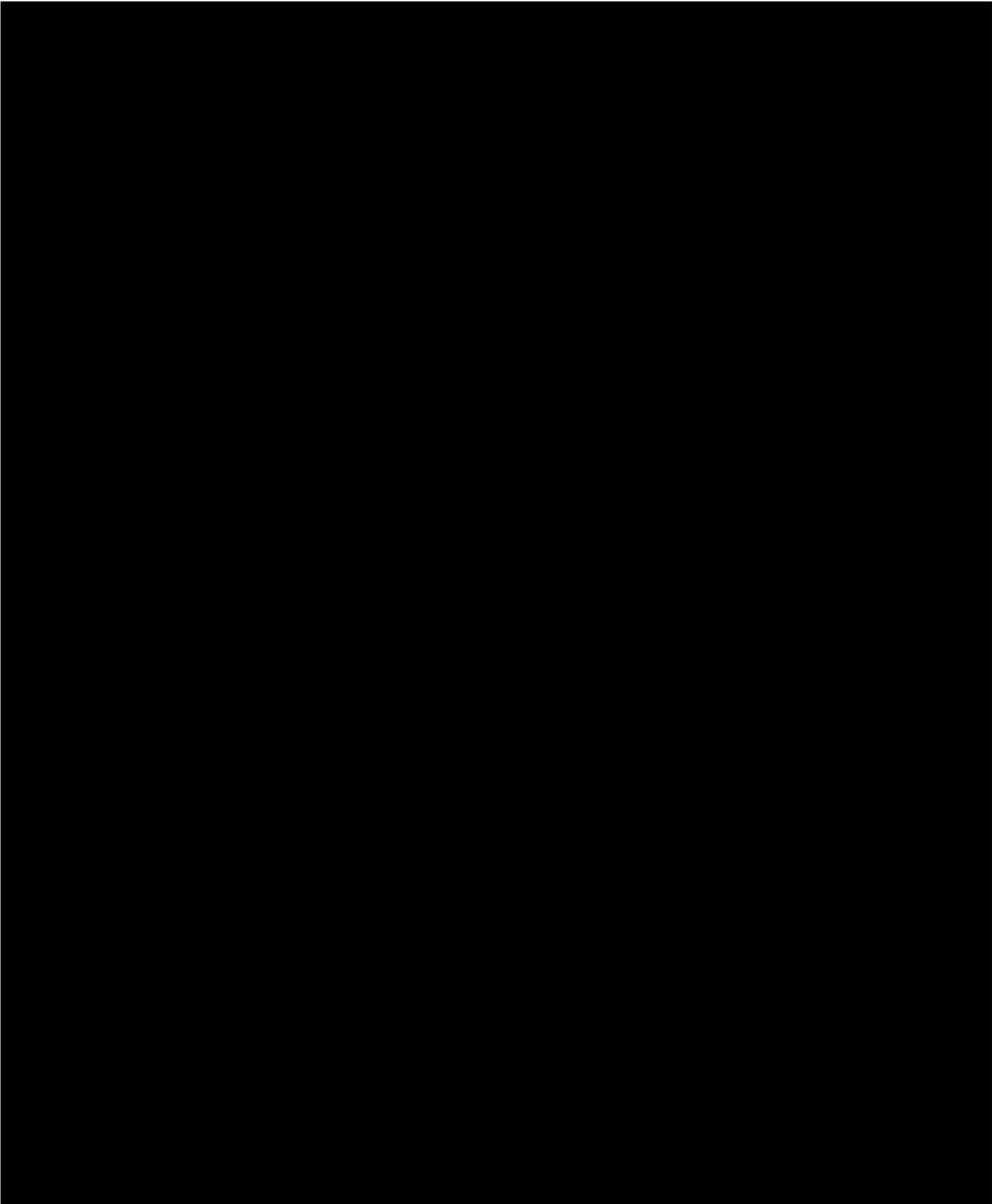


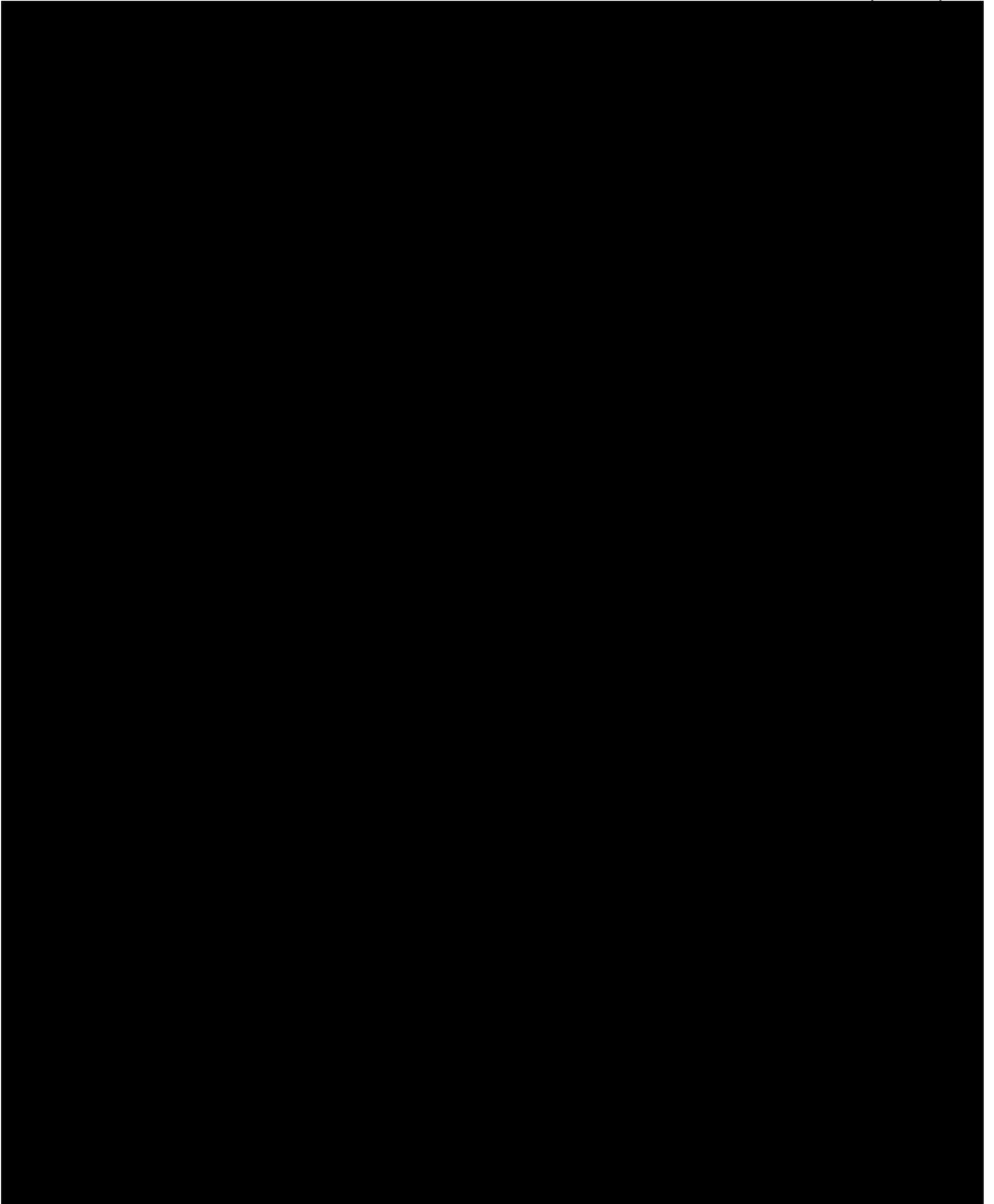


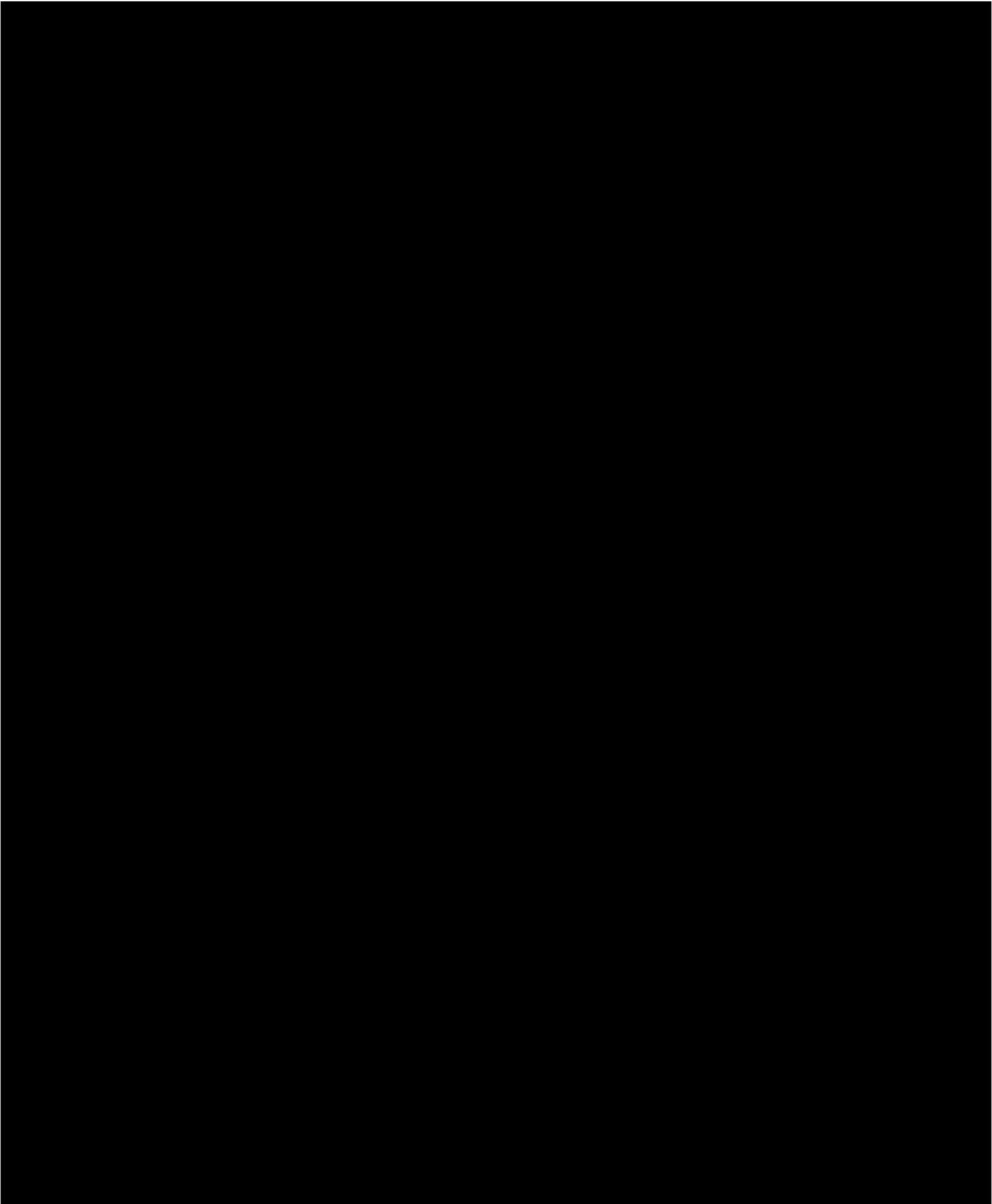


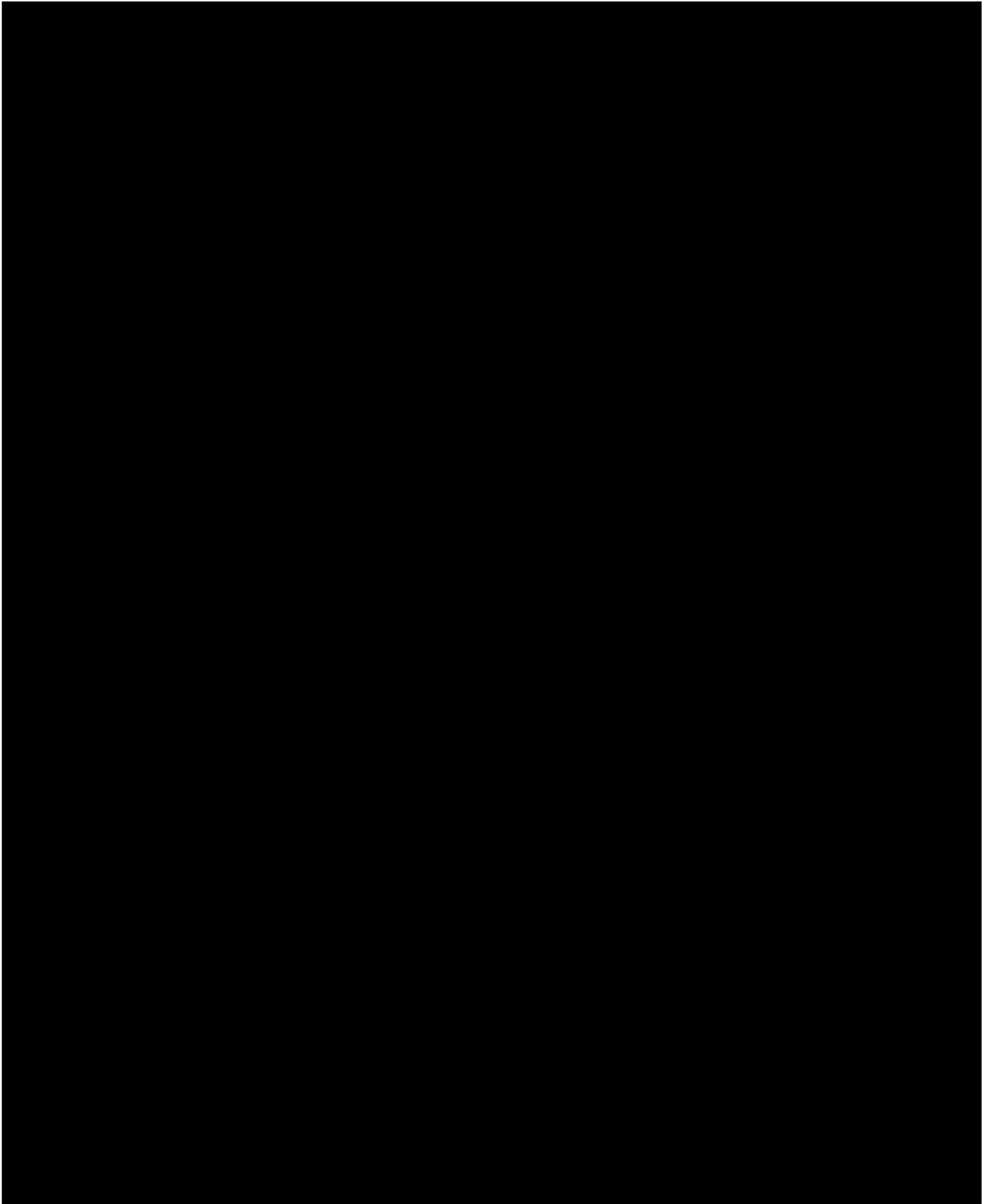


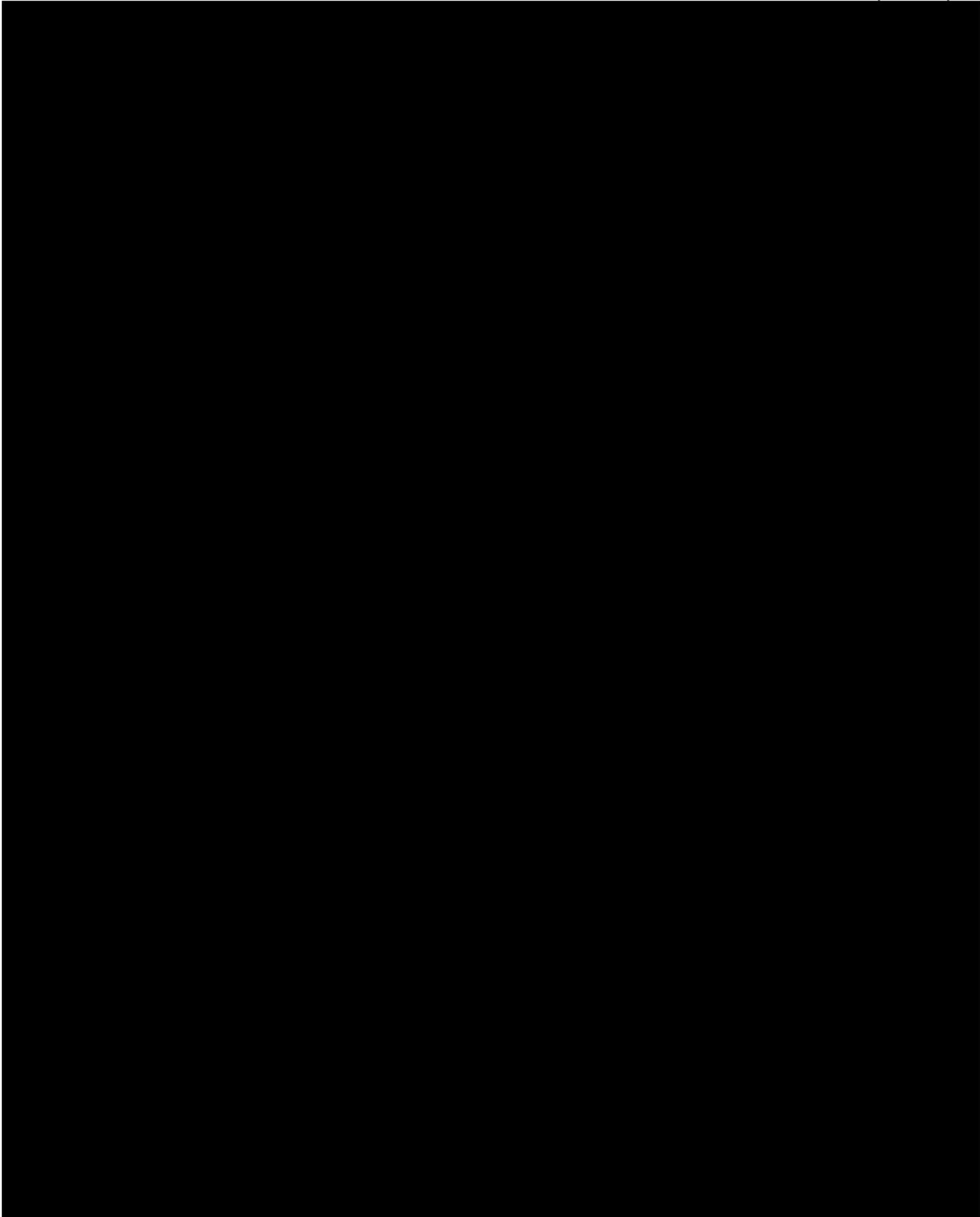


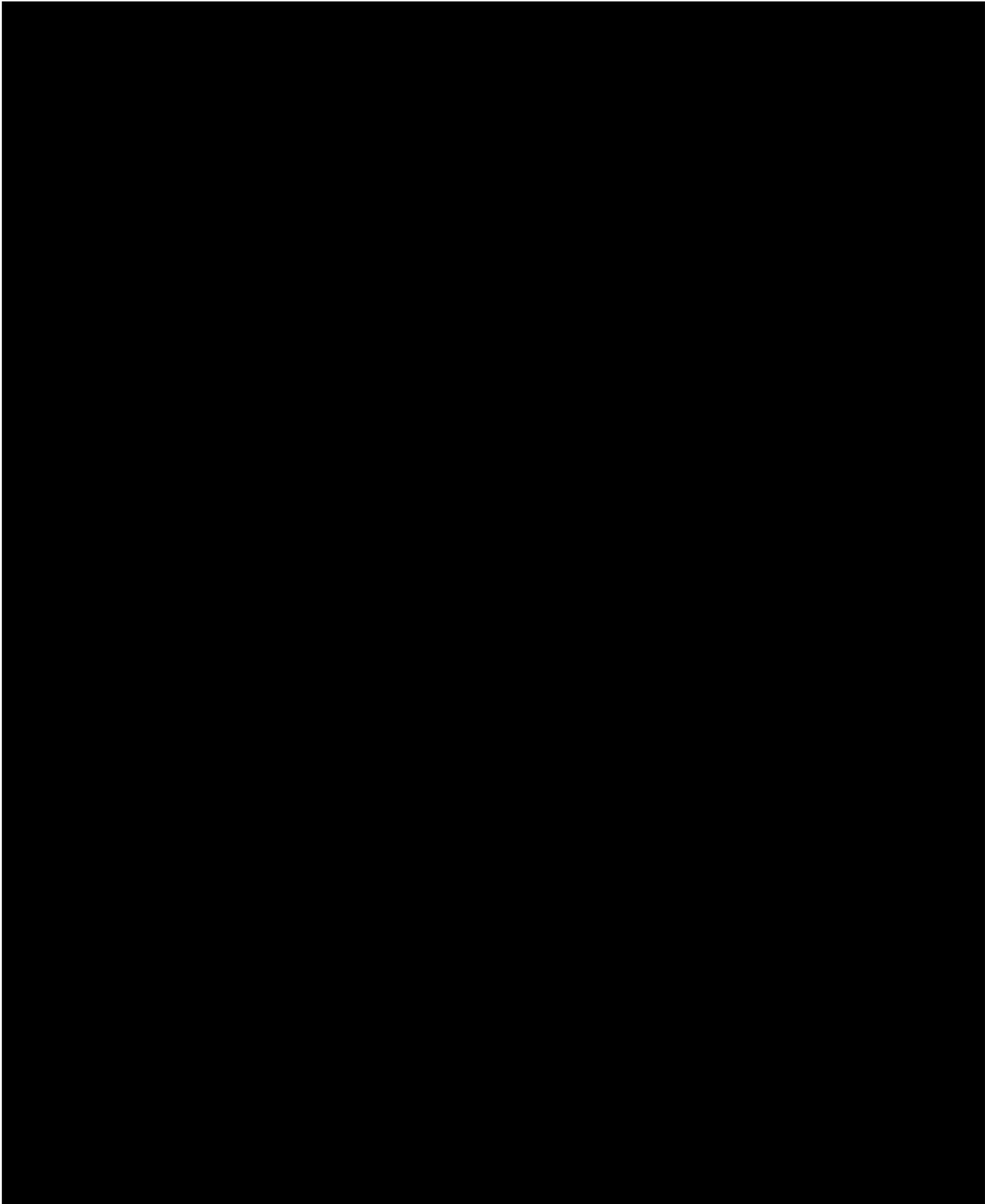


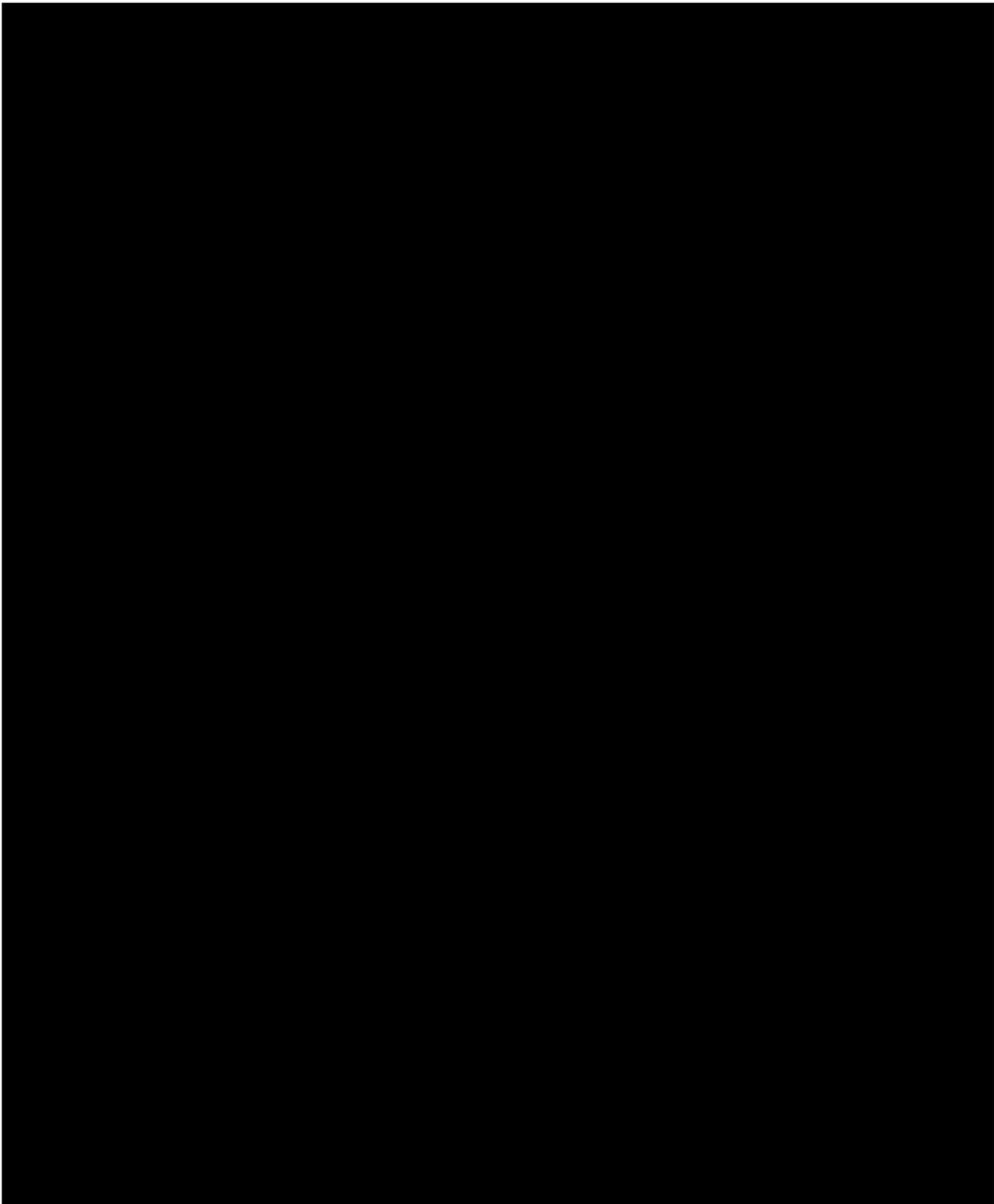


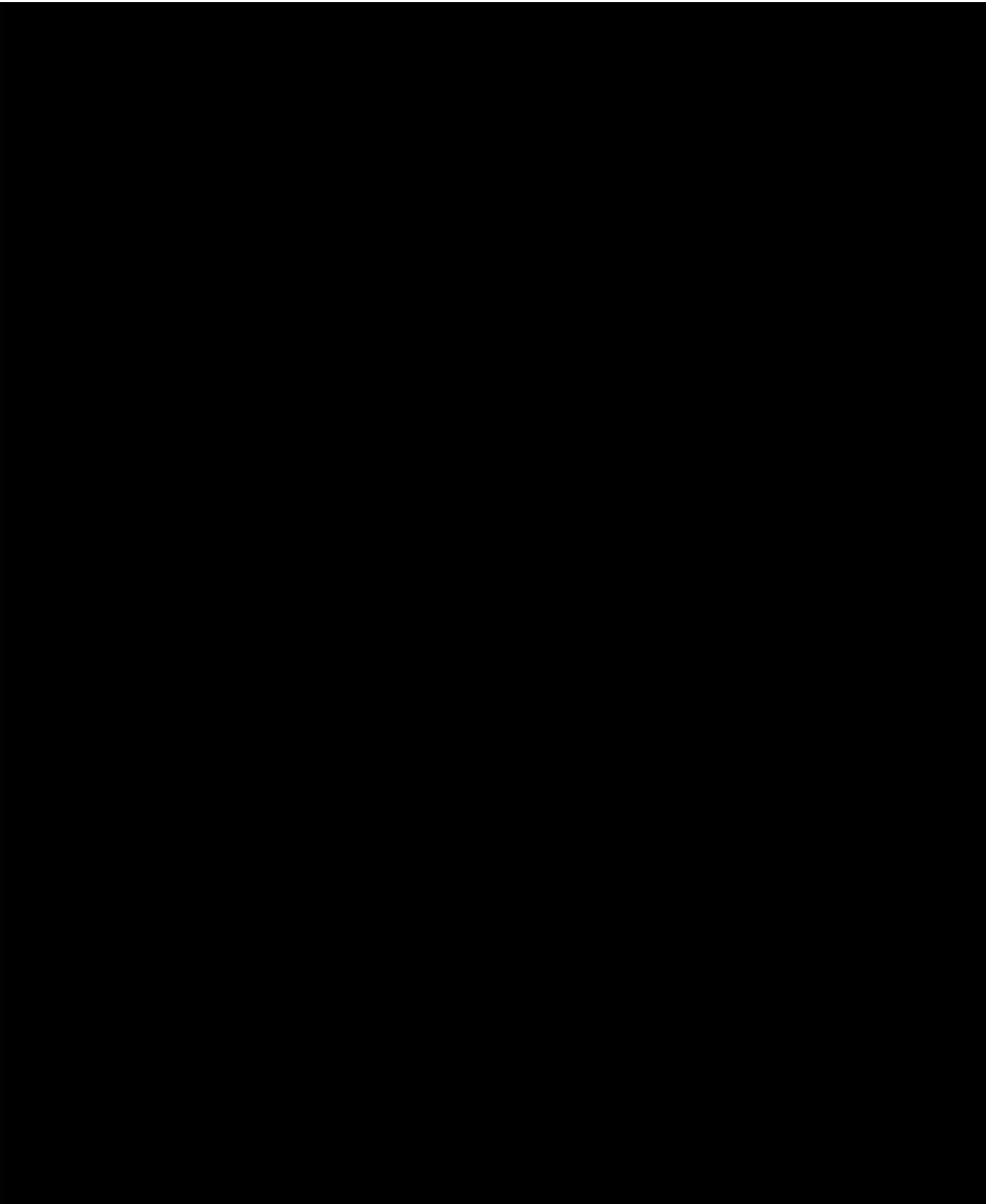


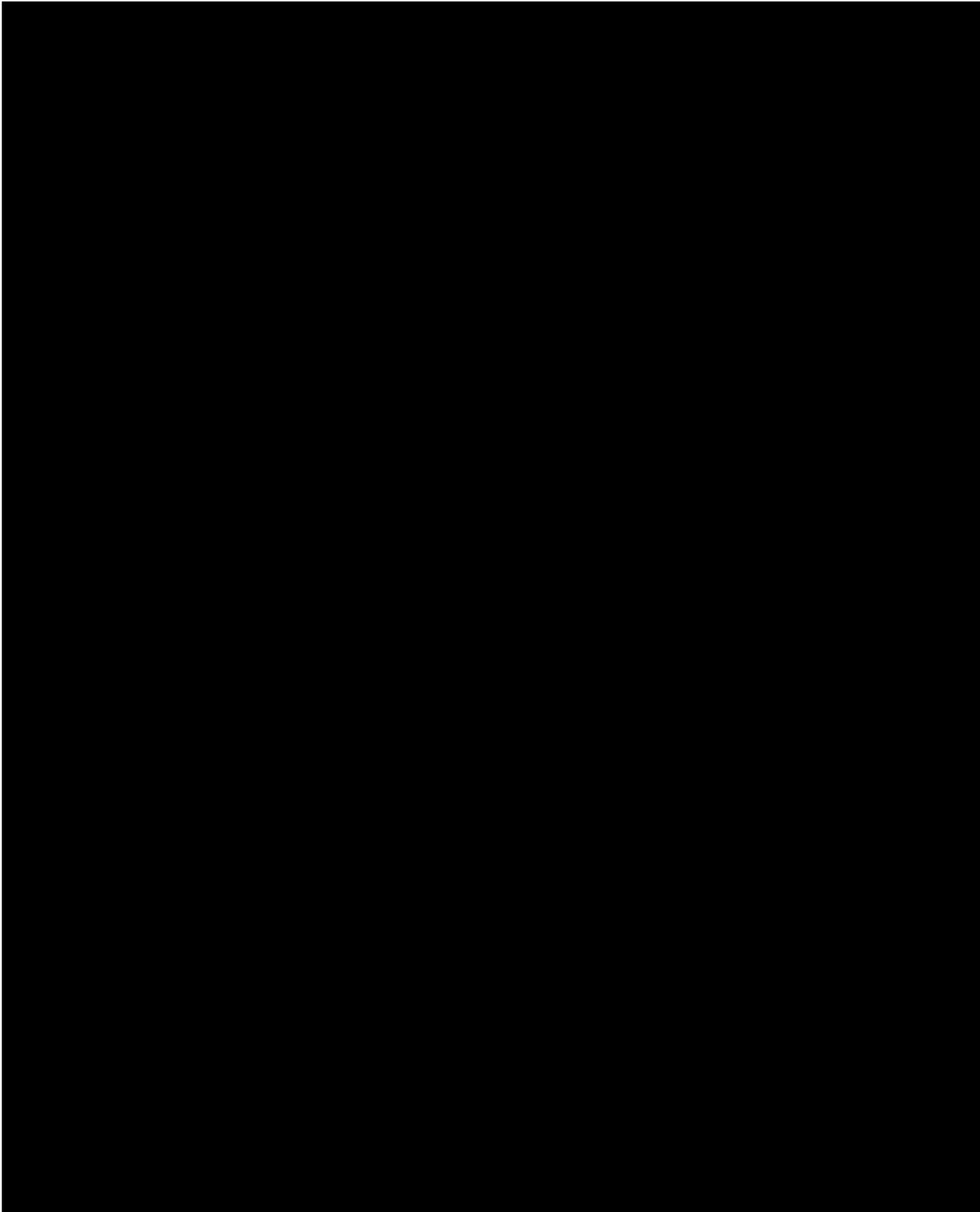


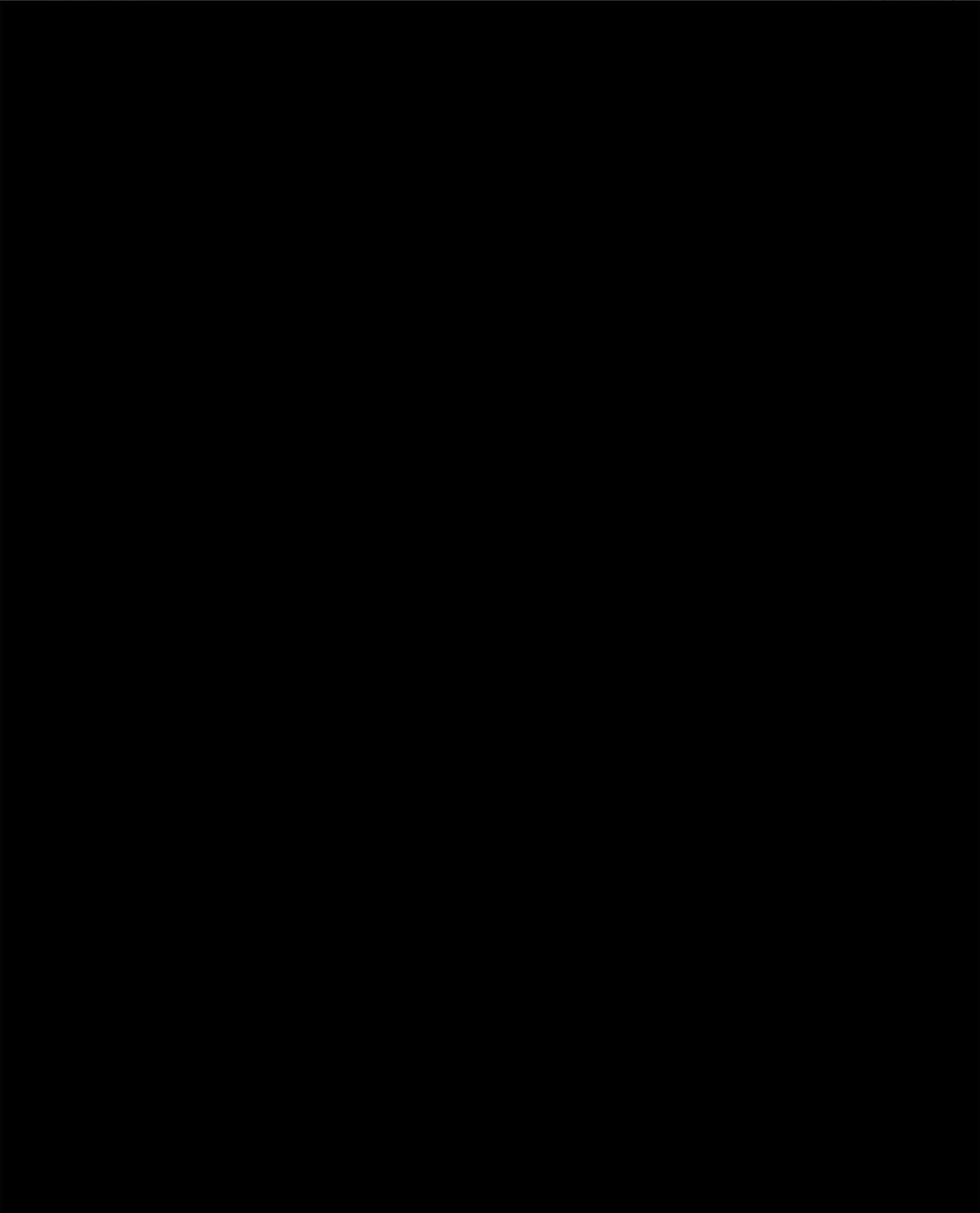


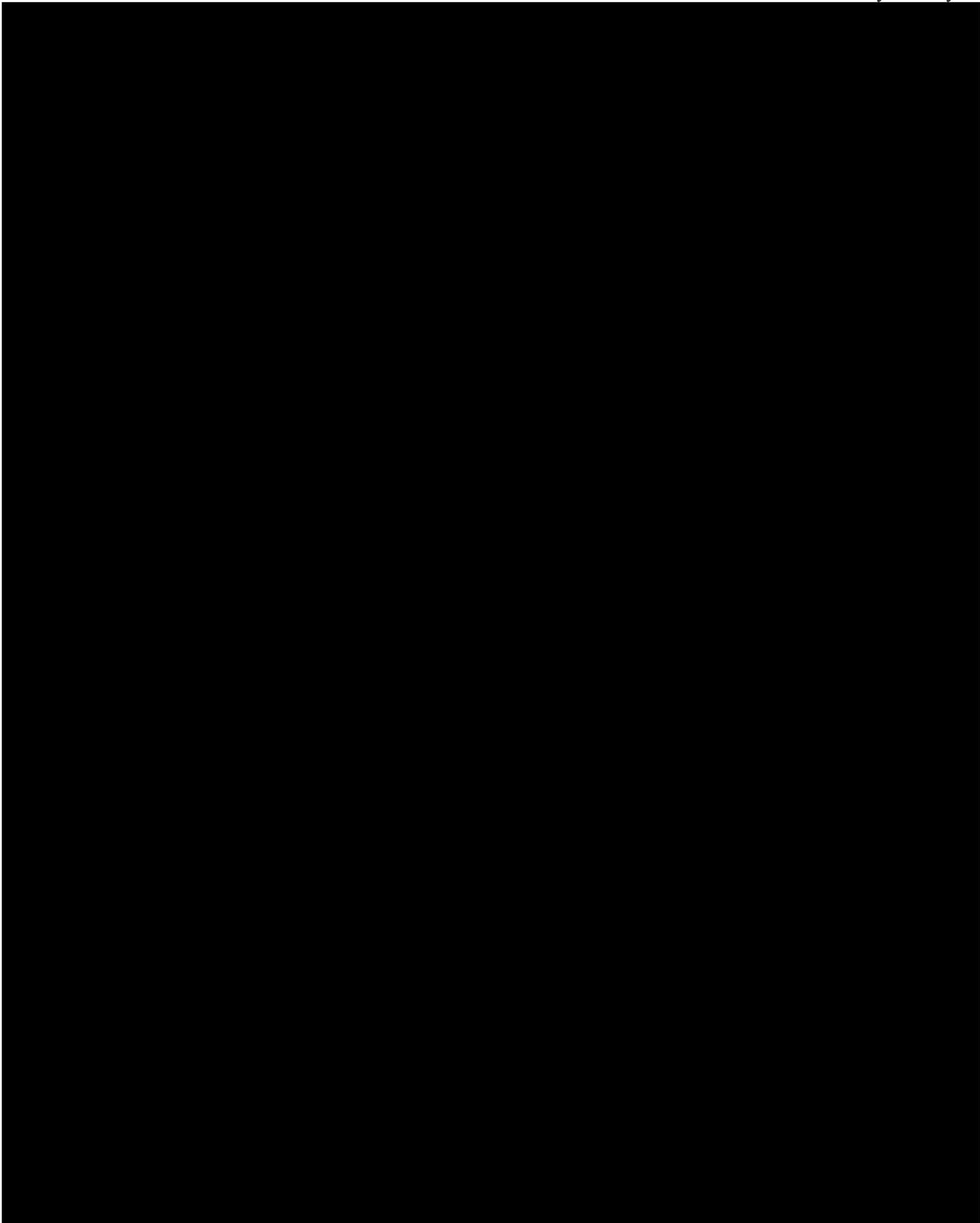


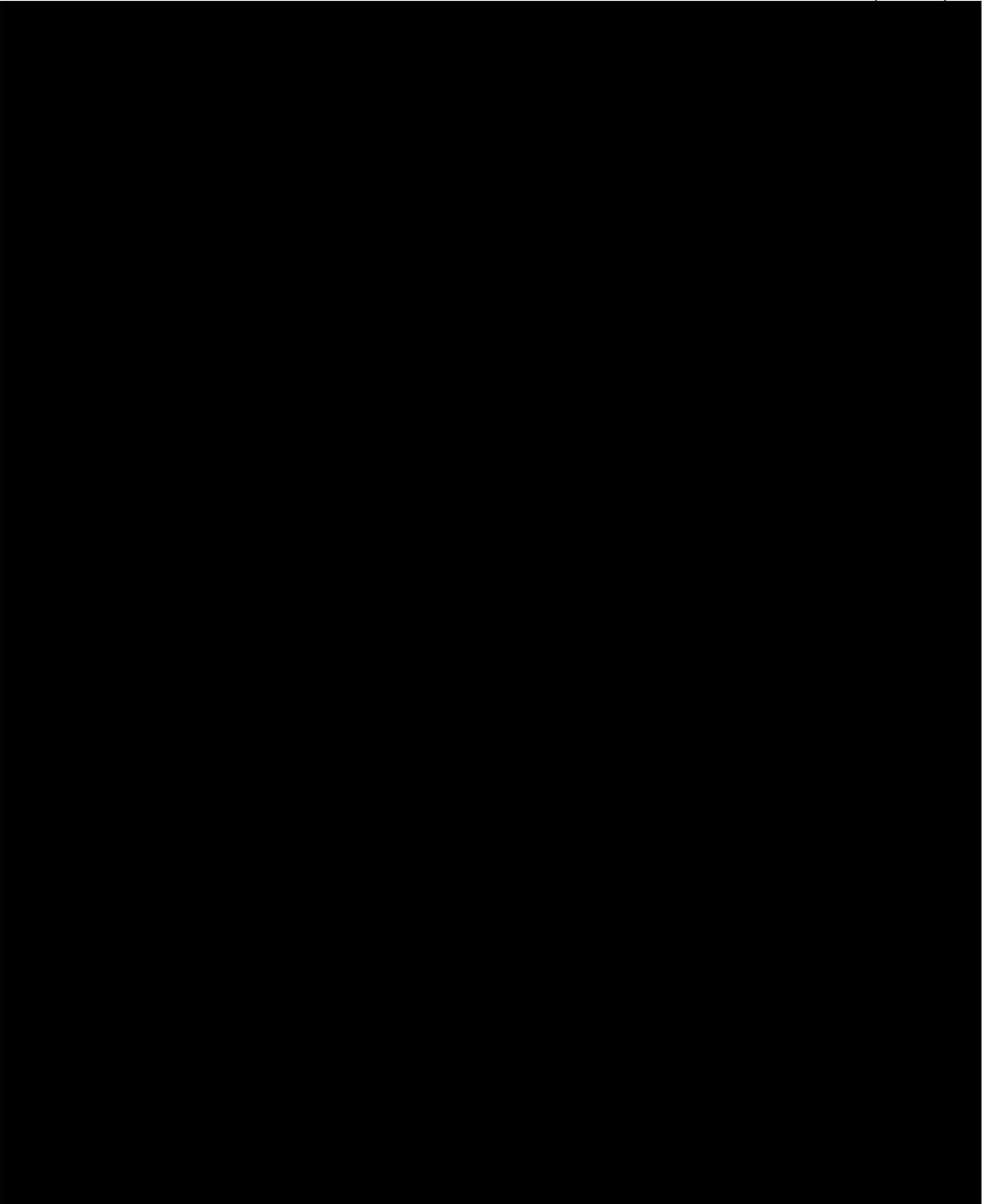


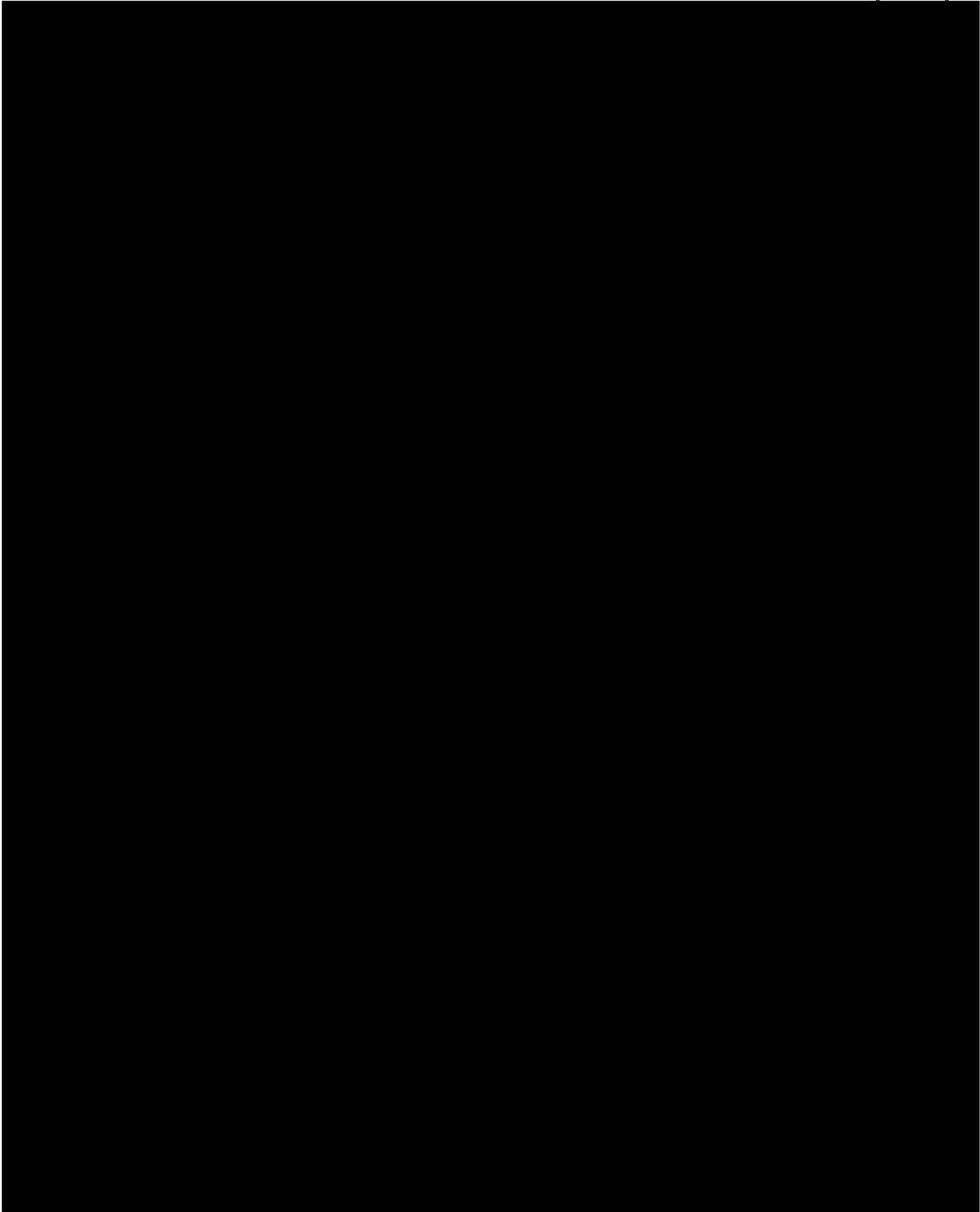


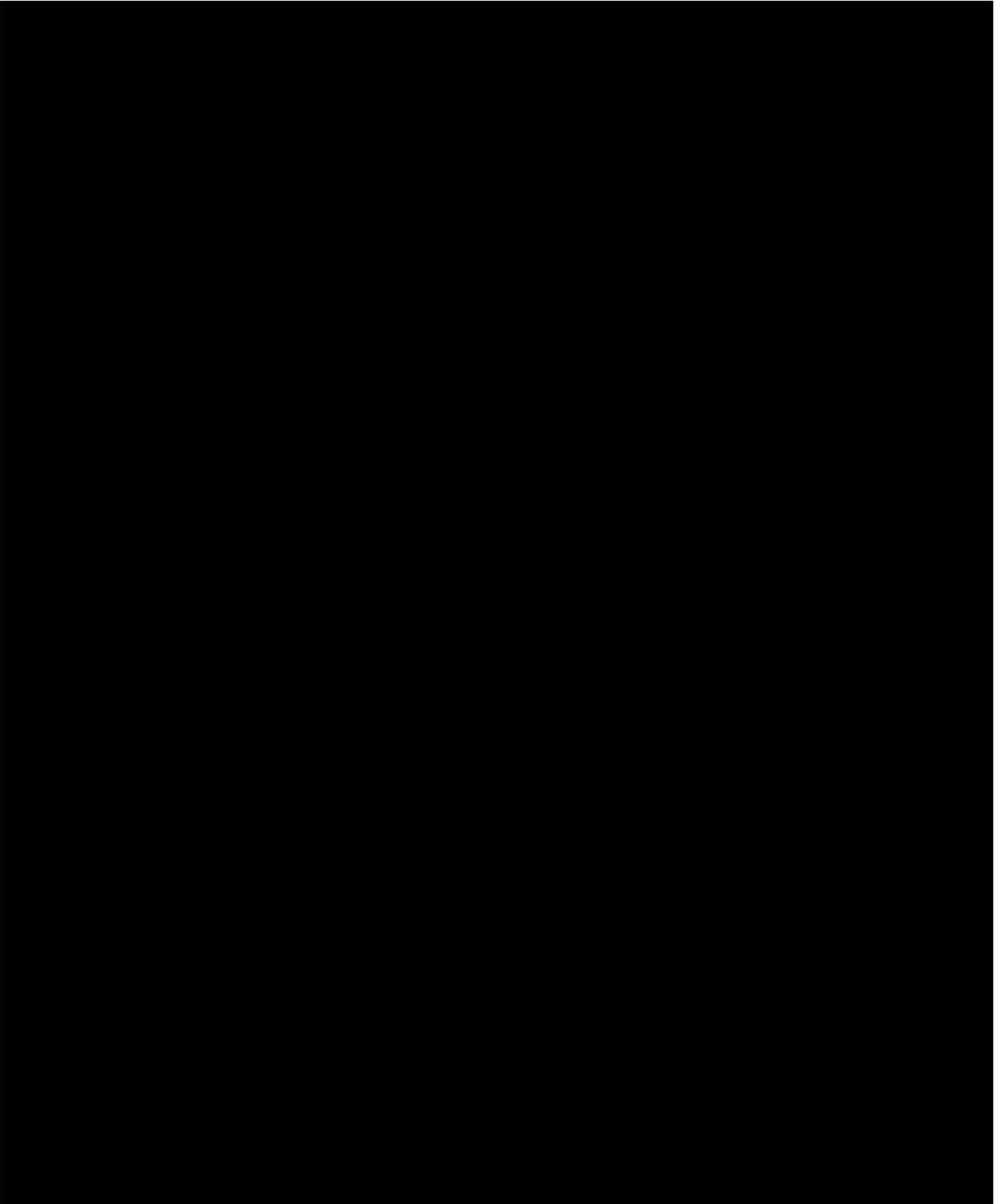


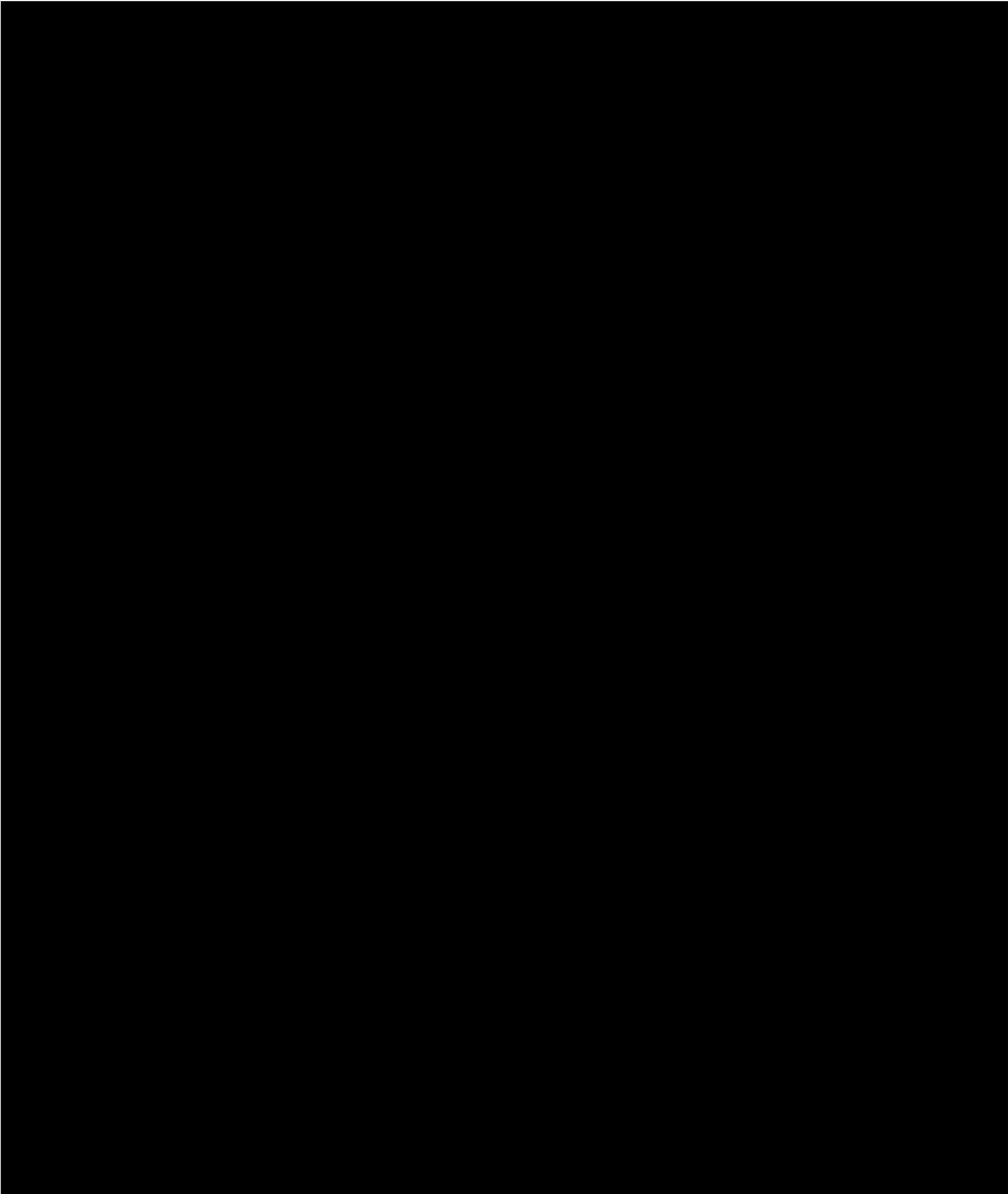


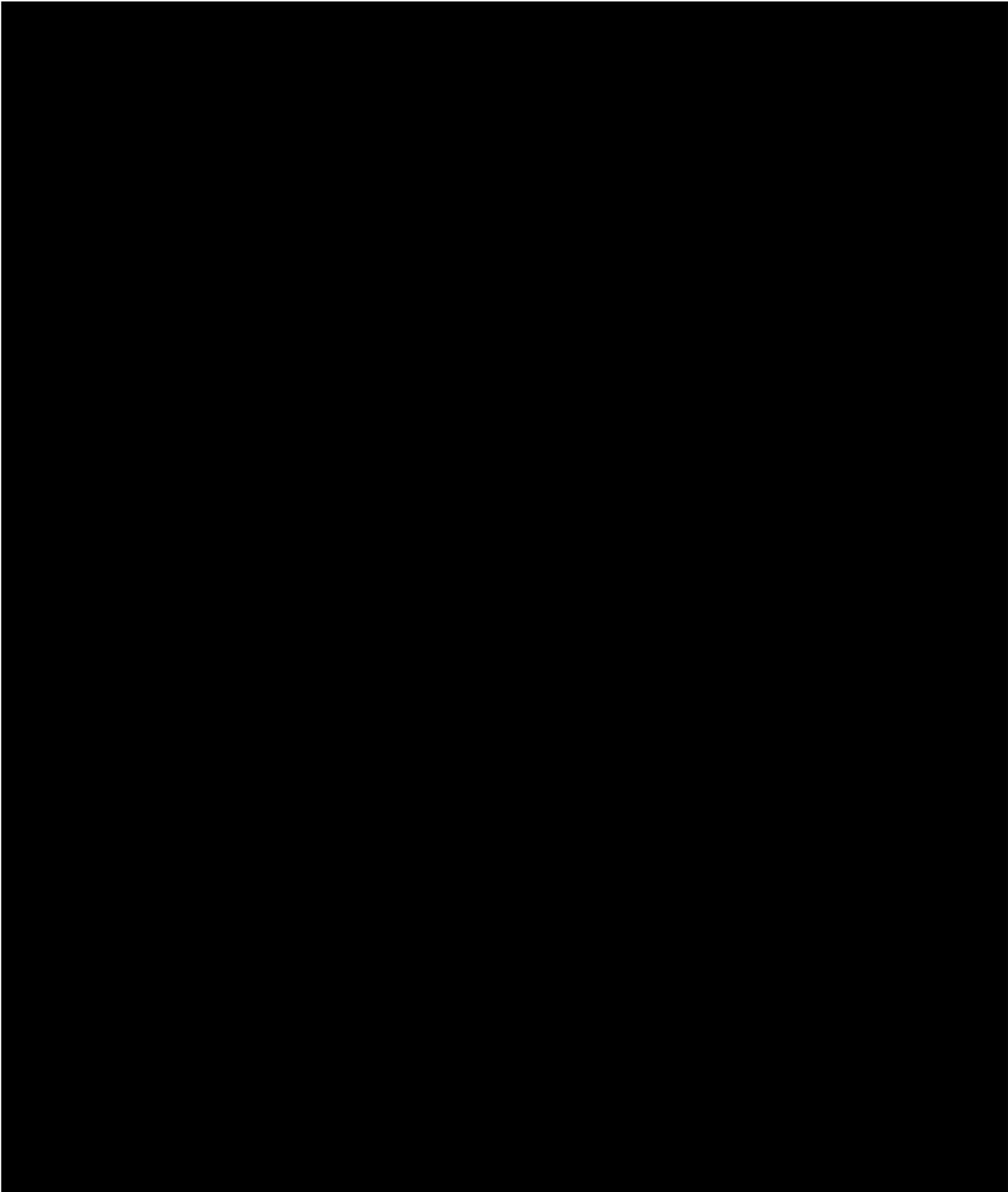






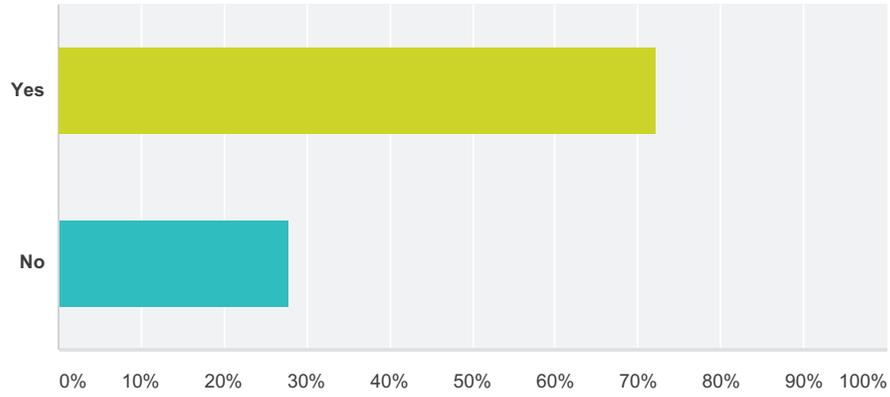




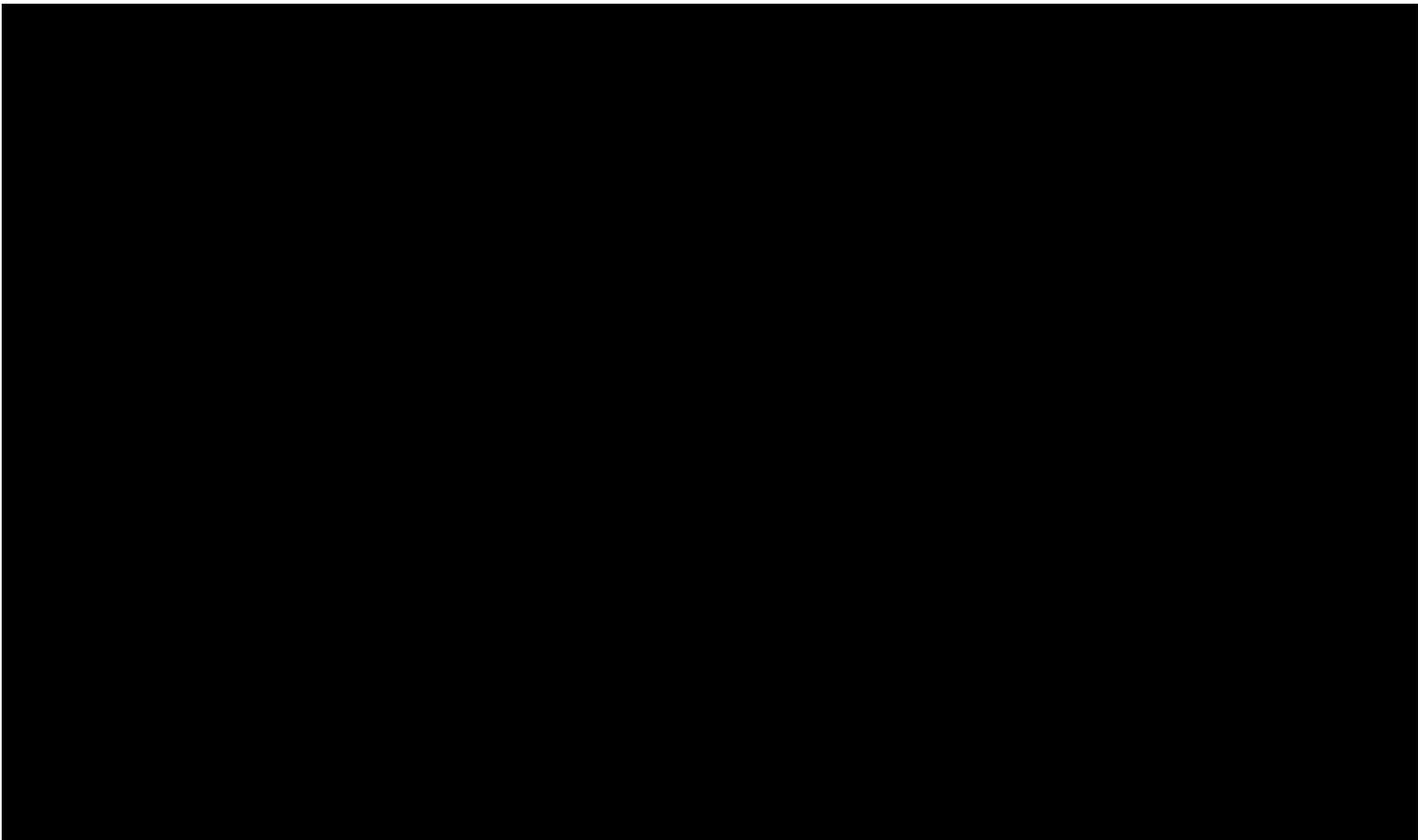


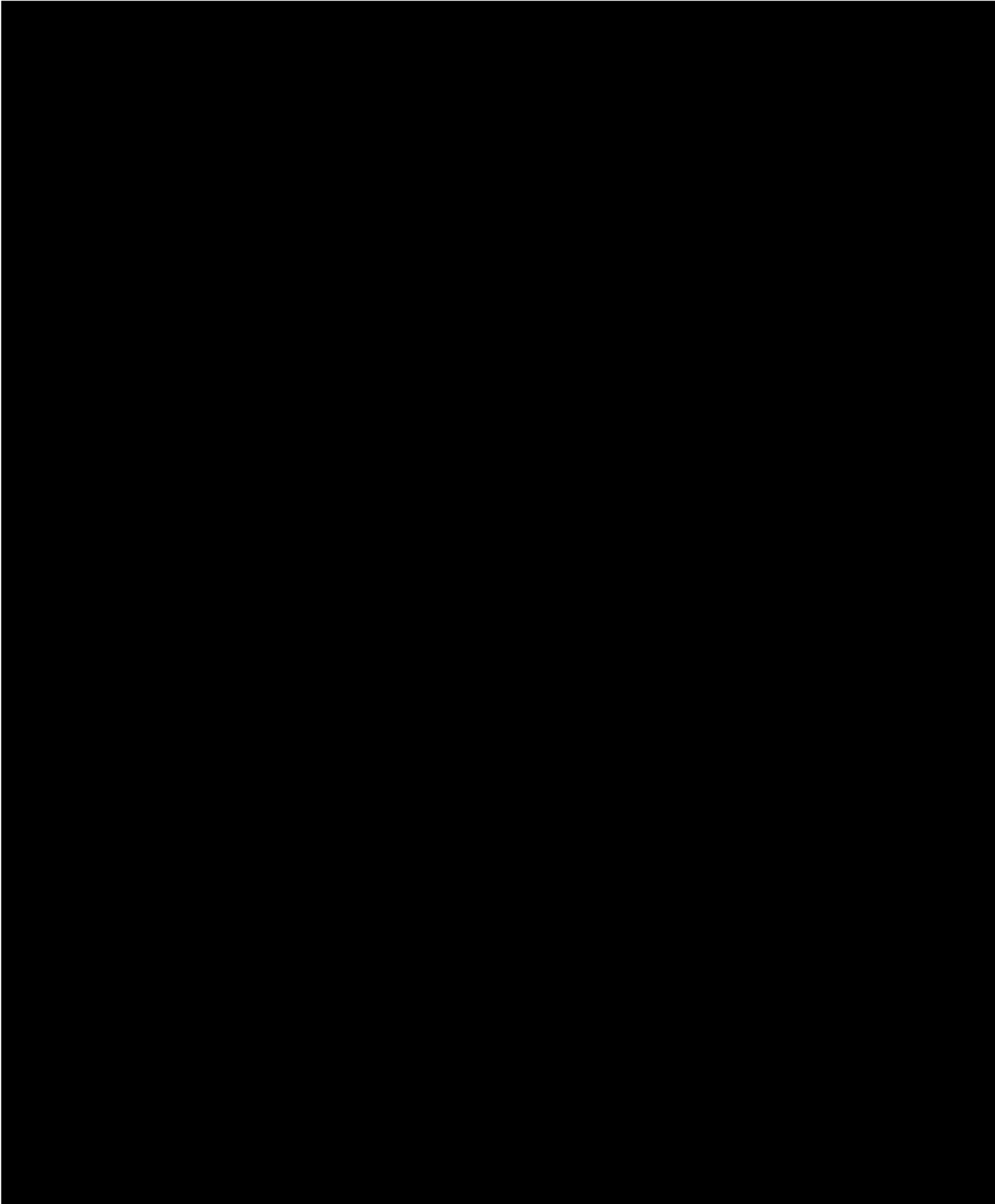
Q14 Have you, or has anyone in your family, ever made a philanthropic contribution to a nonprofit organization?

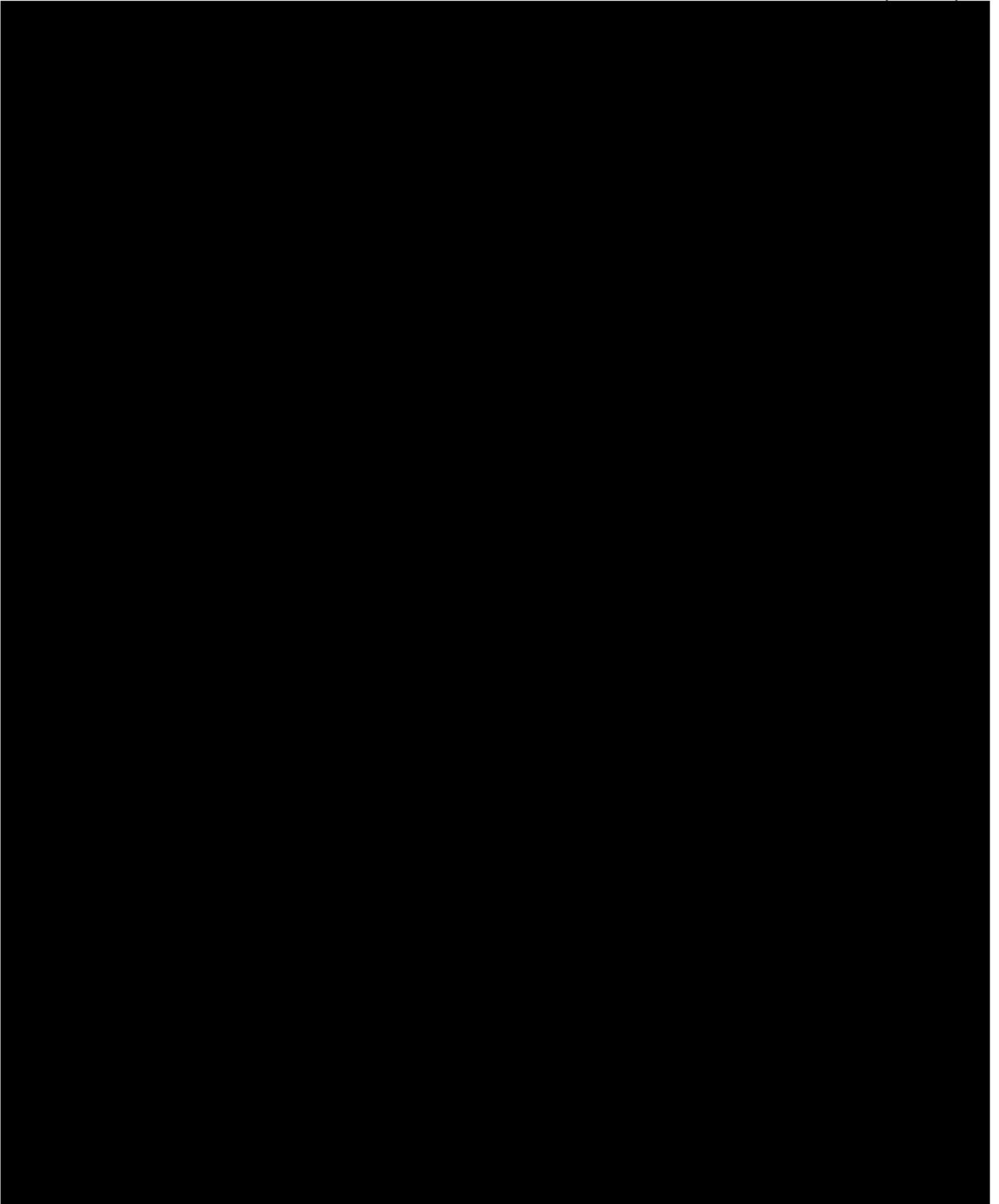
Answered: 1,593 Skipped: 479

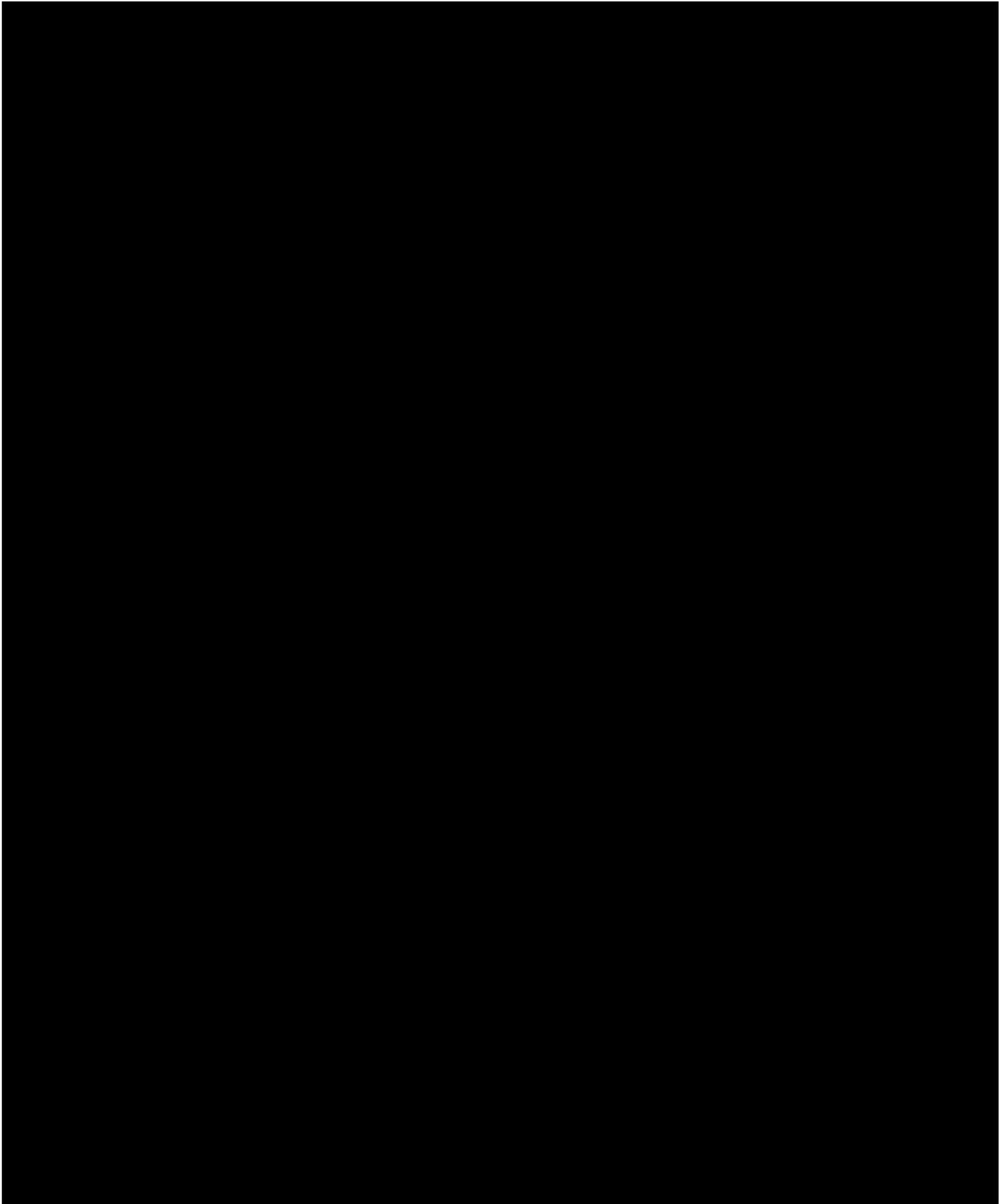


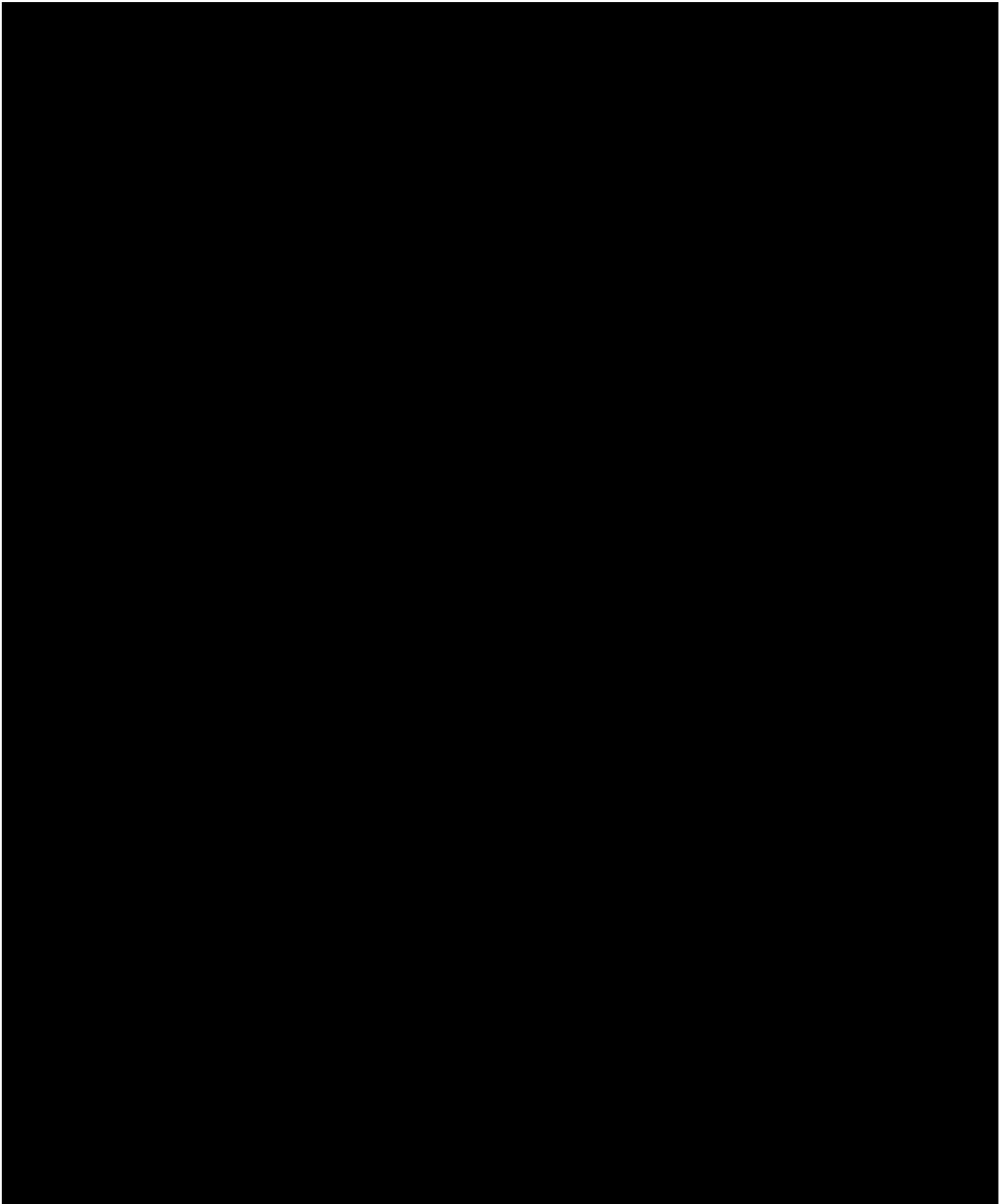
Answer Choices	Responses	
Yes	72.32%	1,152
No	27.68%	441
Total		1,593

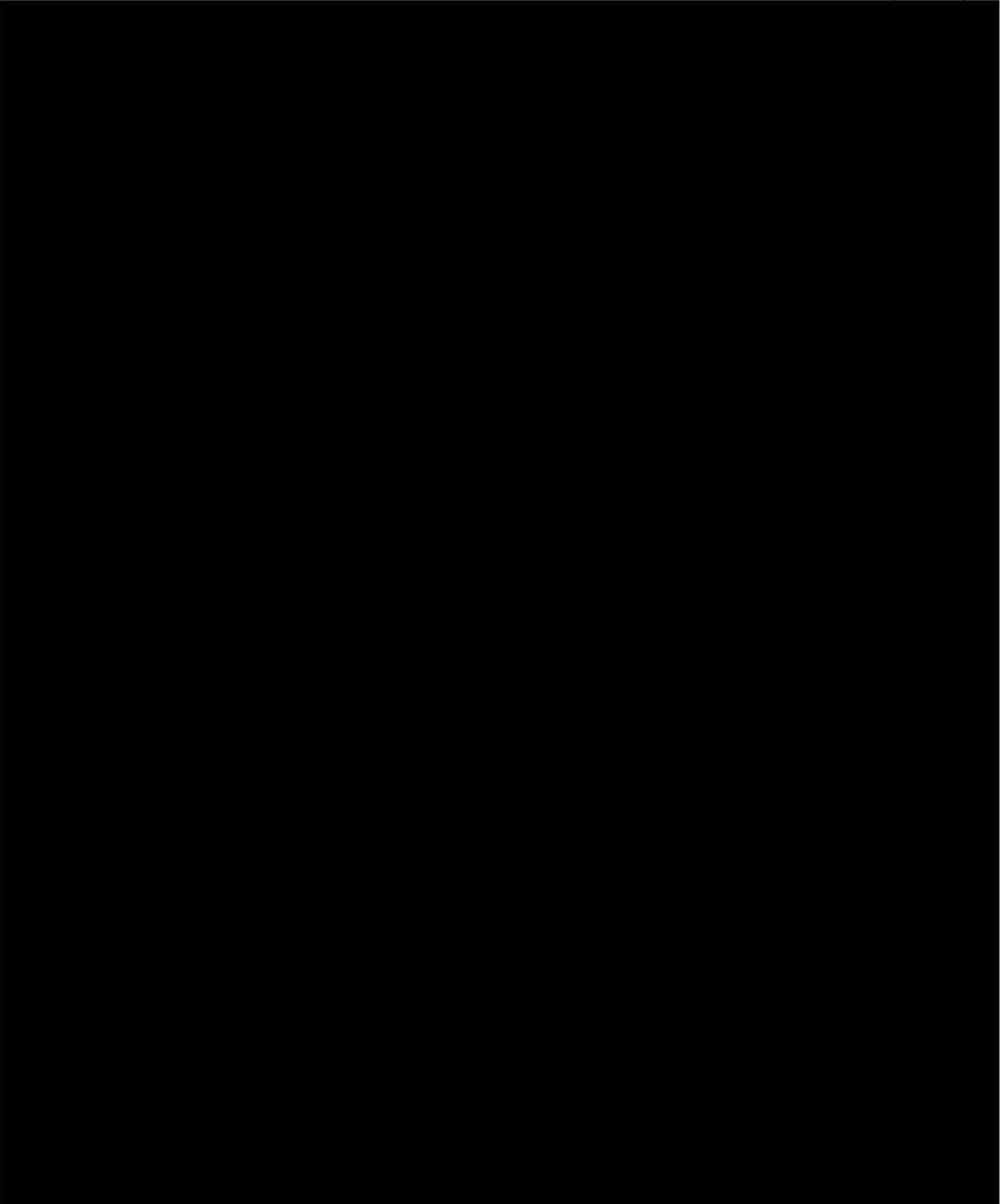


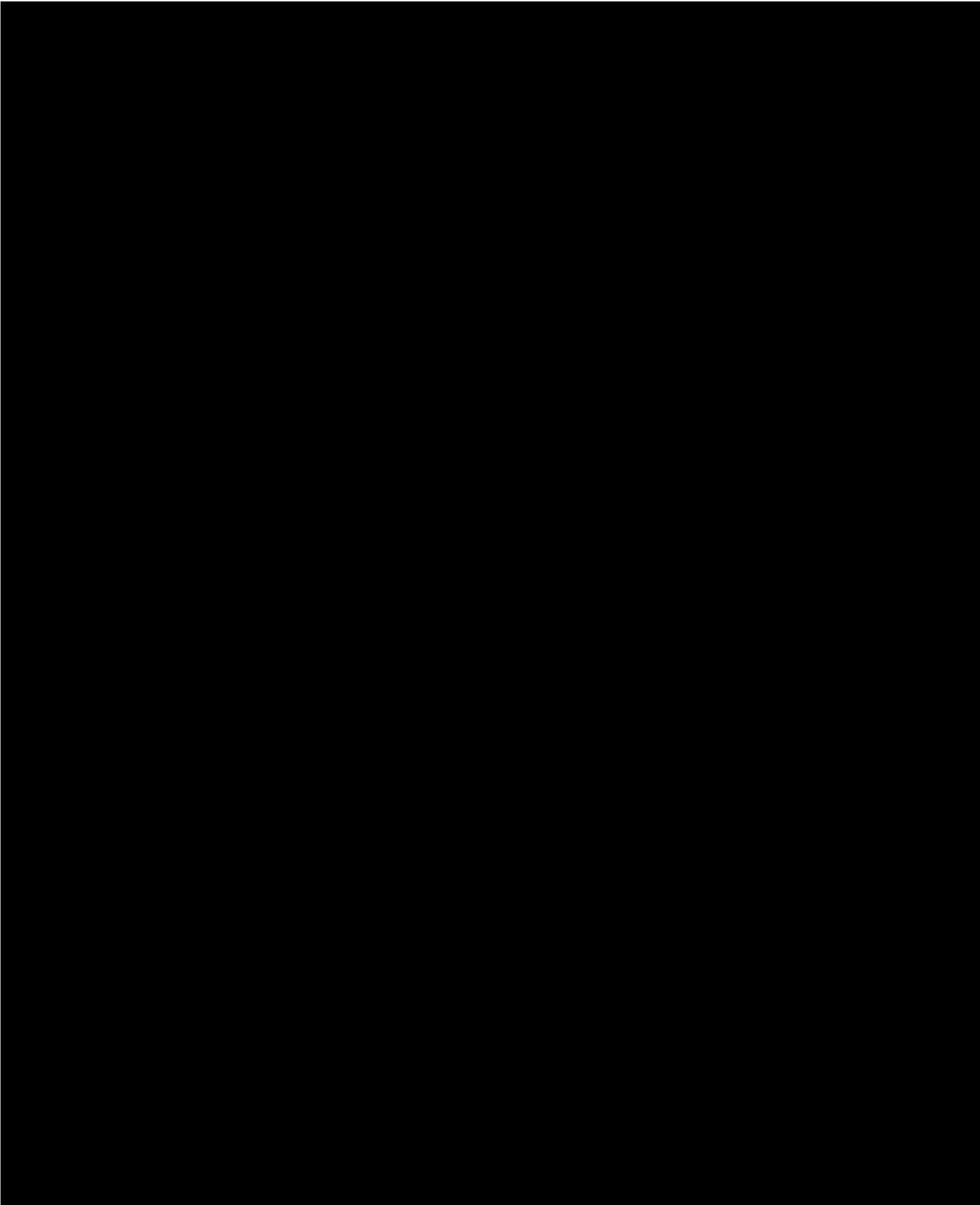


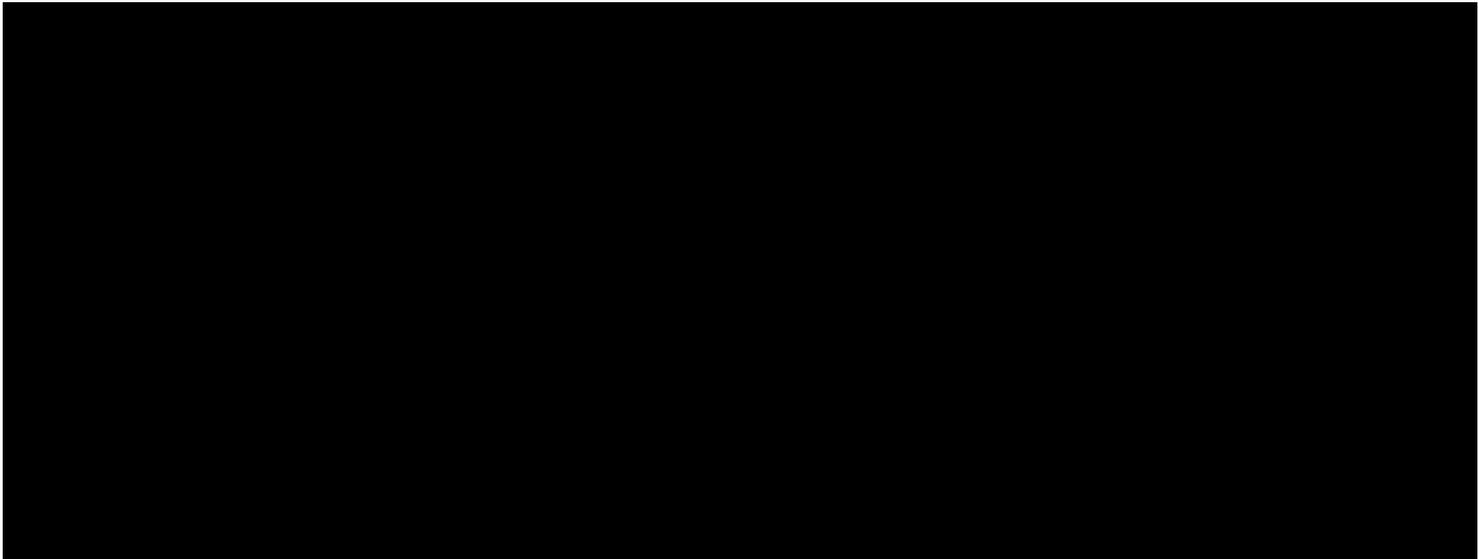






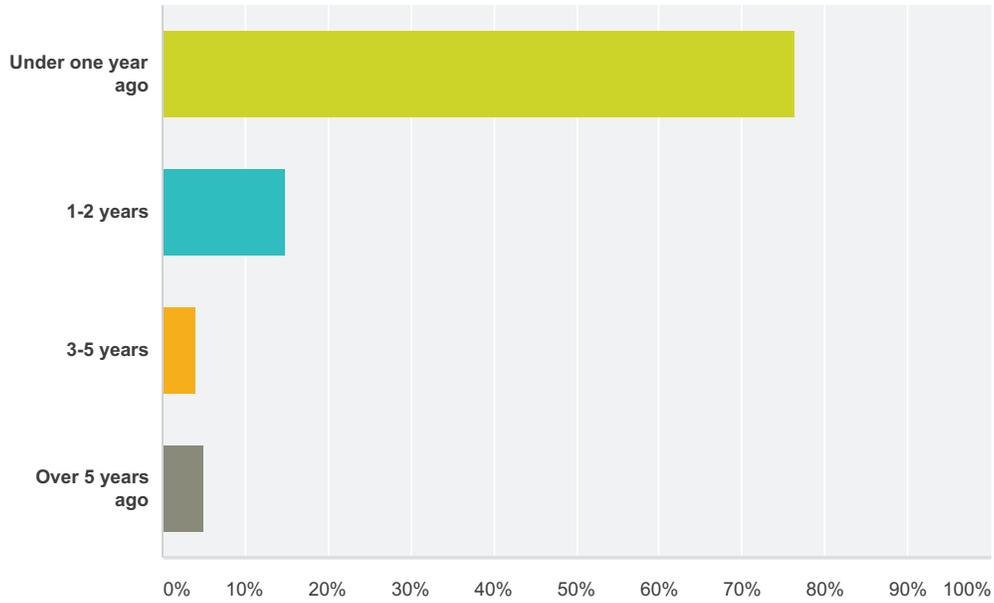






Q15 How recent was your last philanthropic contribution to a nonprofit organization?

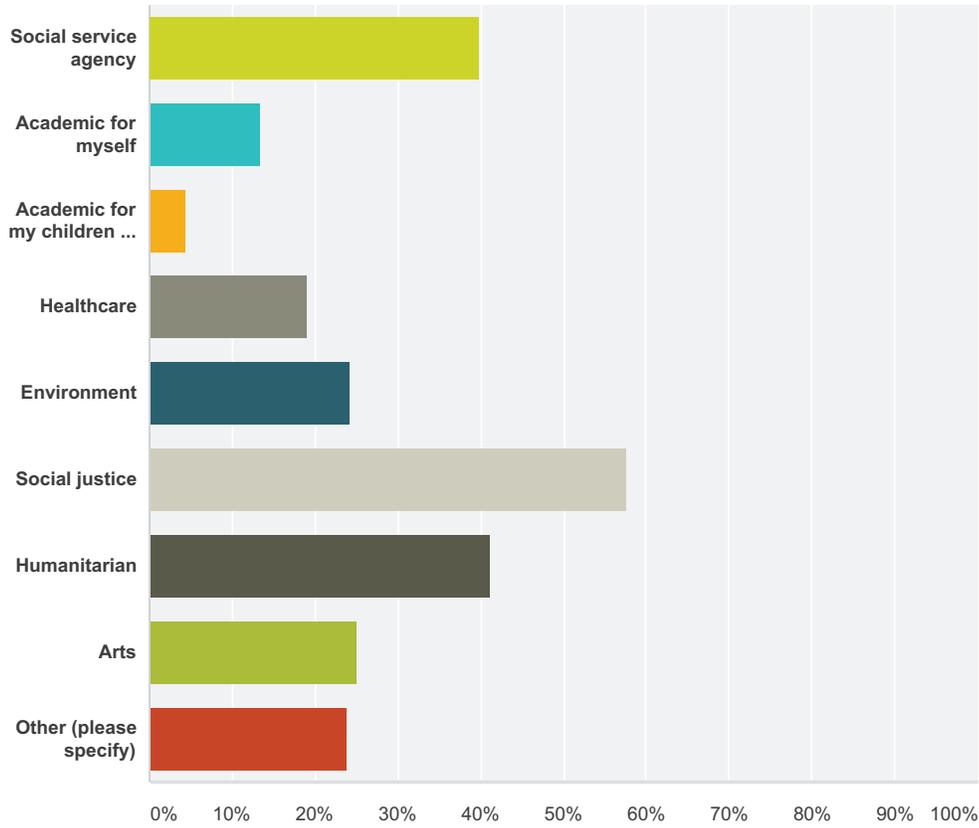
Answered: 1,106 Skipped: 966



Answer Choices	Responses
Under one year ago	76.31% 844
1-2 years	14.74% 163
3-5 years	3.89% 43
Over 5 years ago	5.06% 56
Total	1,106

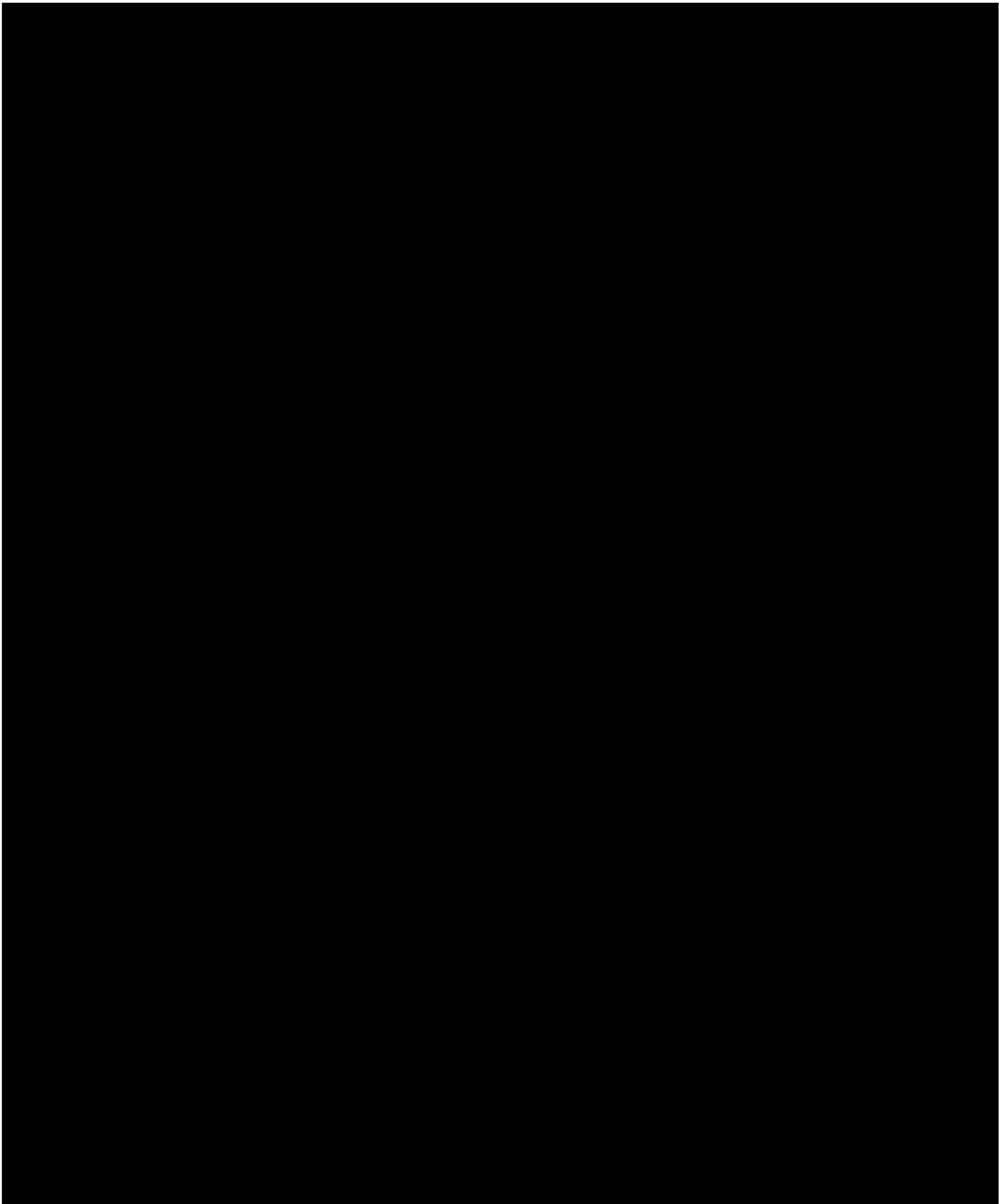
Q16 To which type of organization did you contribute? (please check all that apply)

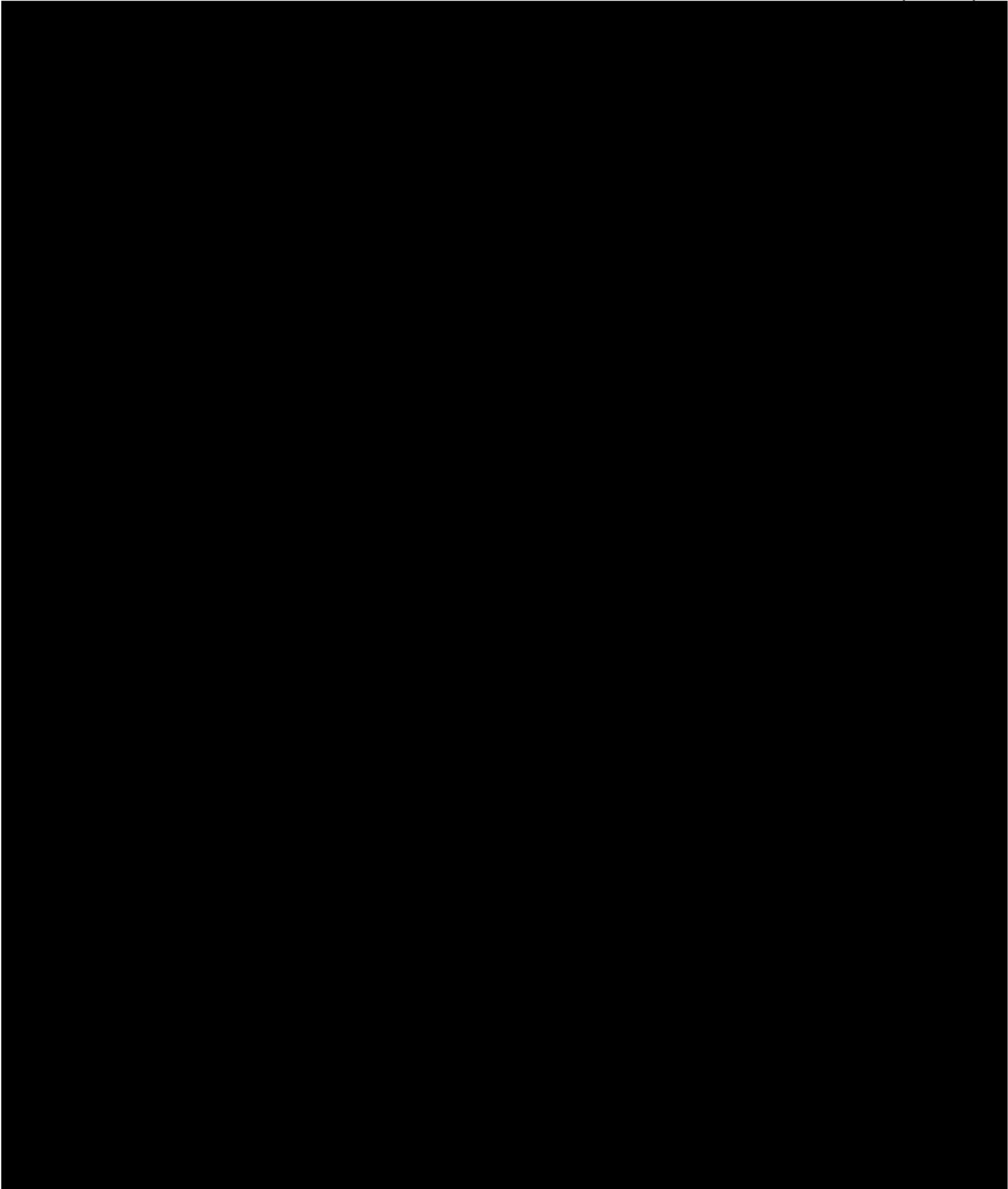
Answered: 1,106 Skipped: 966

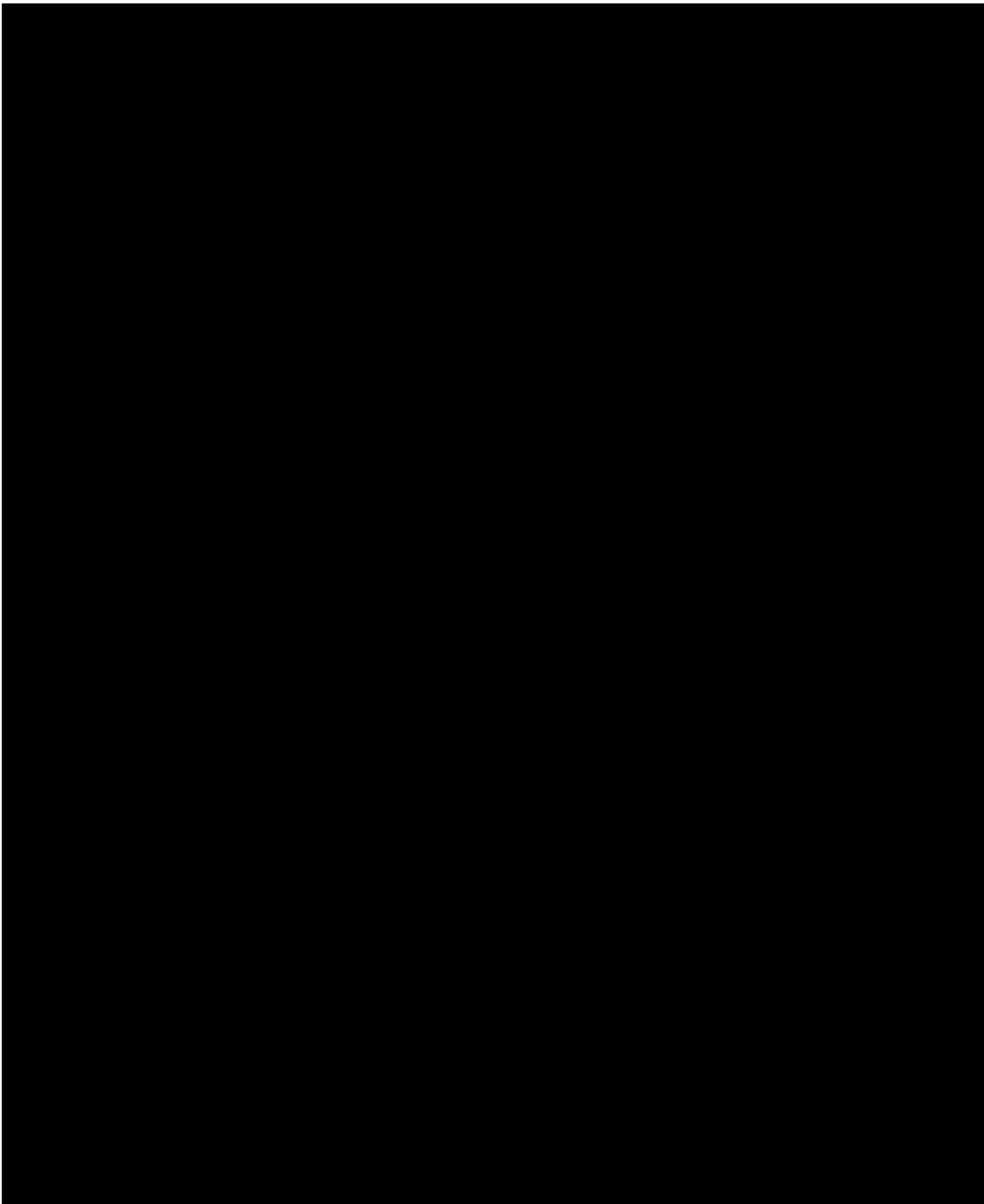


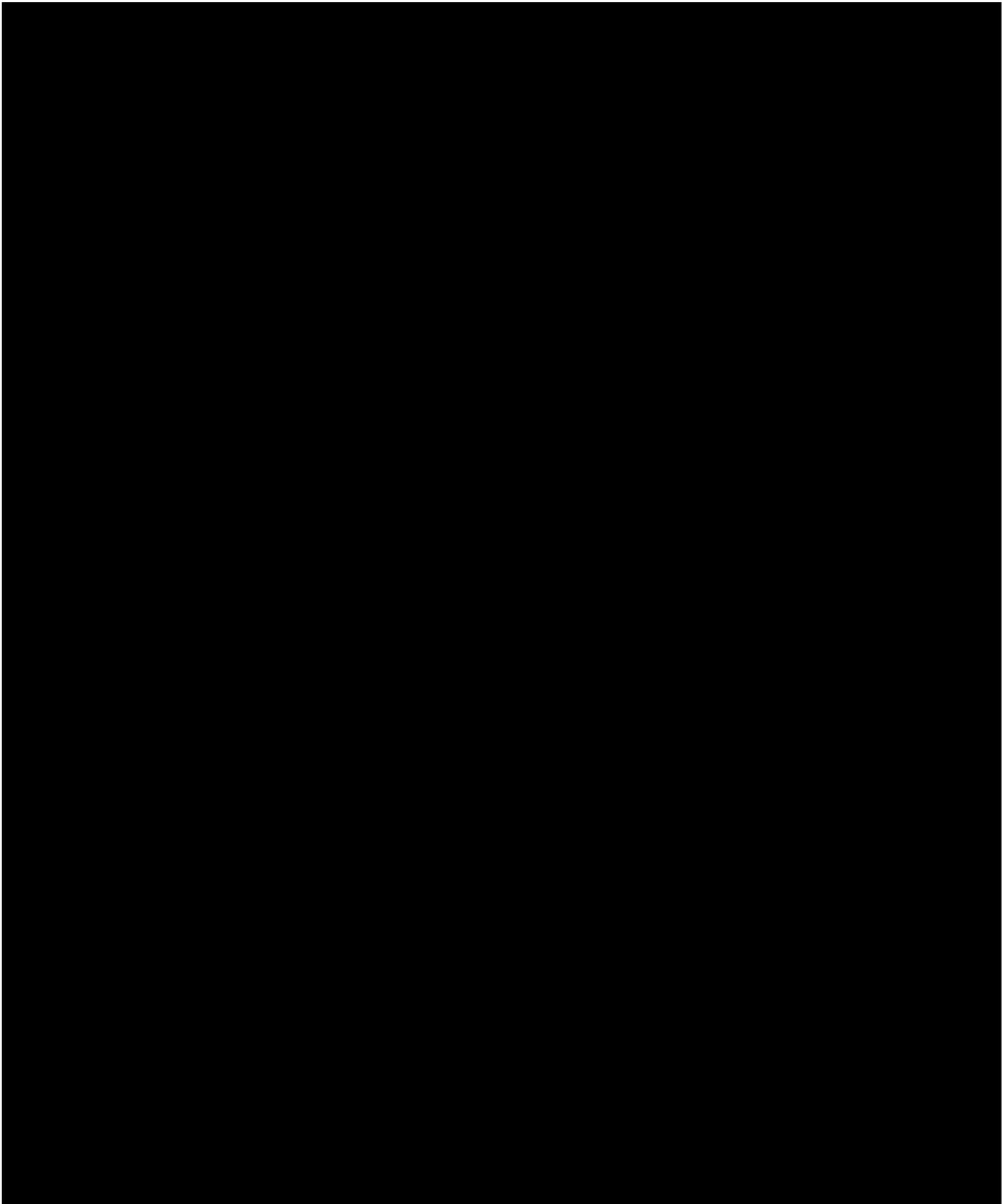
Answer Choices	Responses
Social service agency	39.96% 442
Academic for myself	13.38% 148
Academic for my children or grandchildren	4.34% 48
Healthcare	18.99% 210
Environment	24.23% 268
Social justice	57.59% 637
Humanitarian	41.14% 455
Arts	25.05% 277
Other (please specify)	23.78% 263
Total Respondents: 1,106	

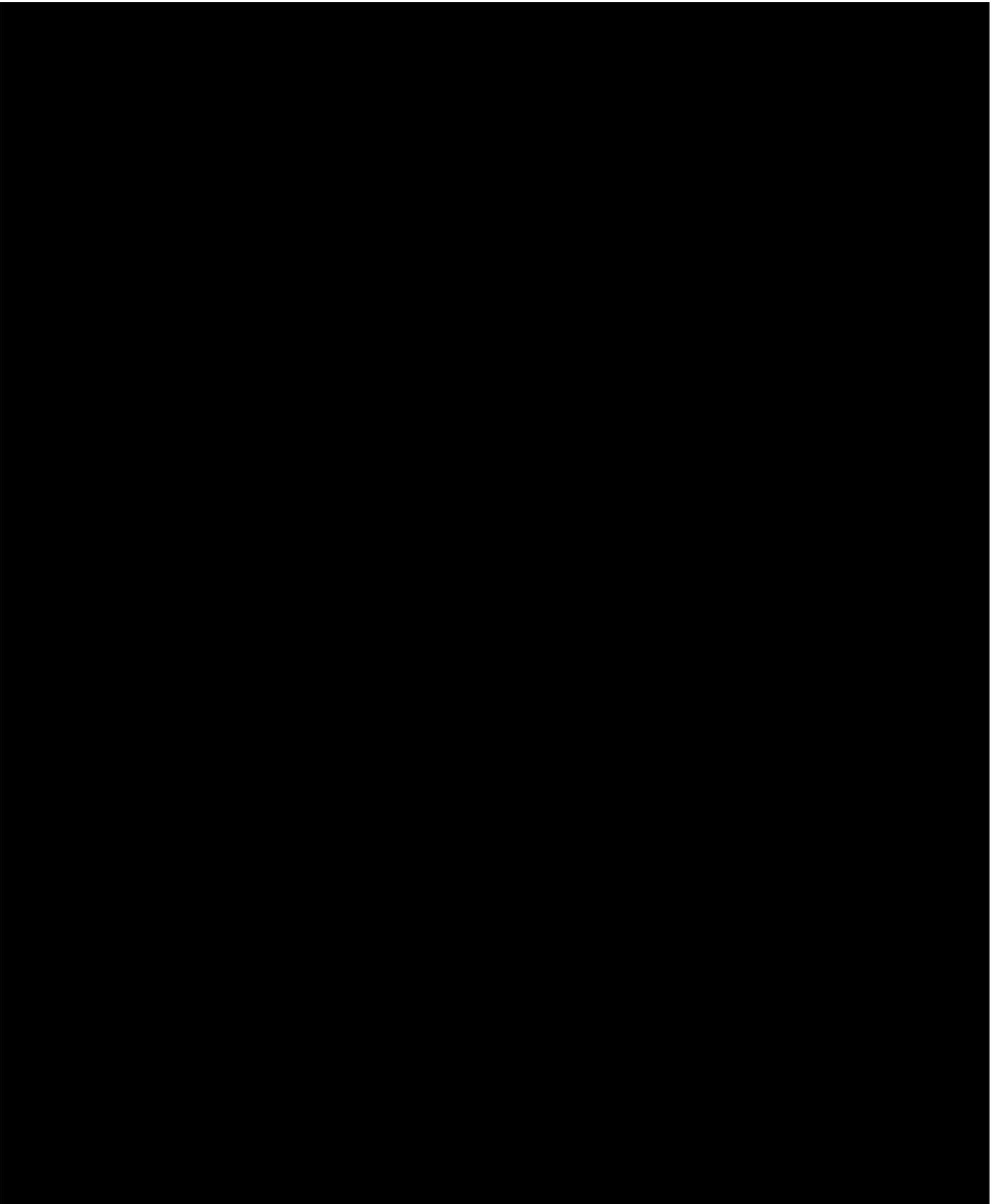
#	Other (please specify)	Date
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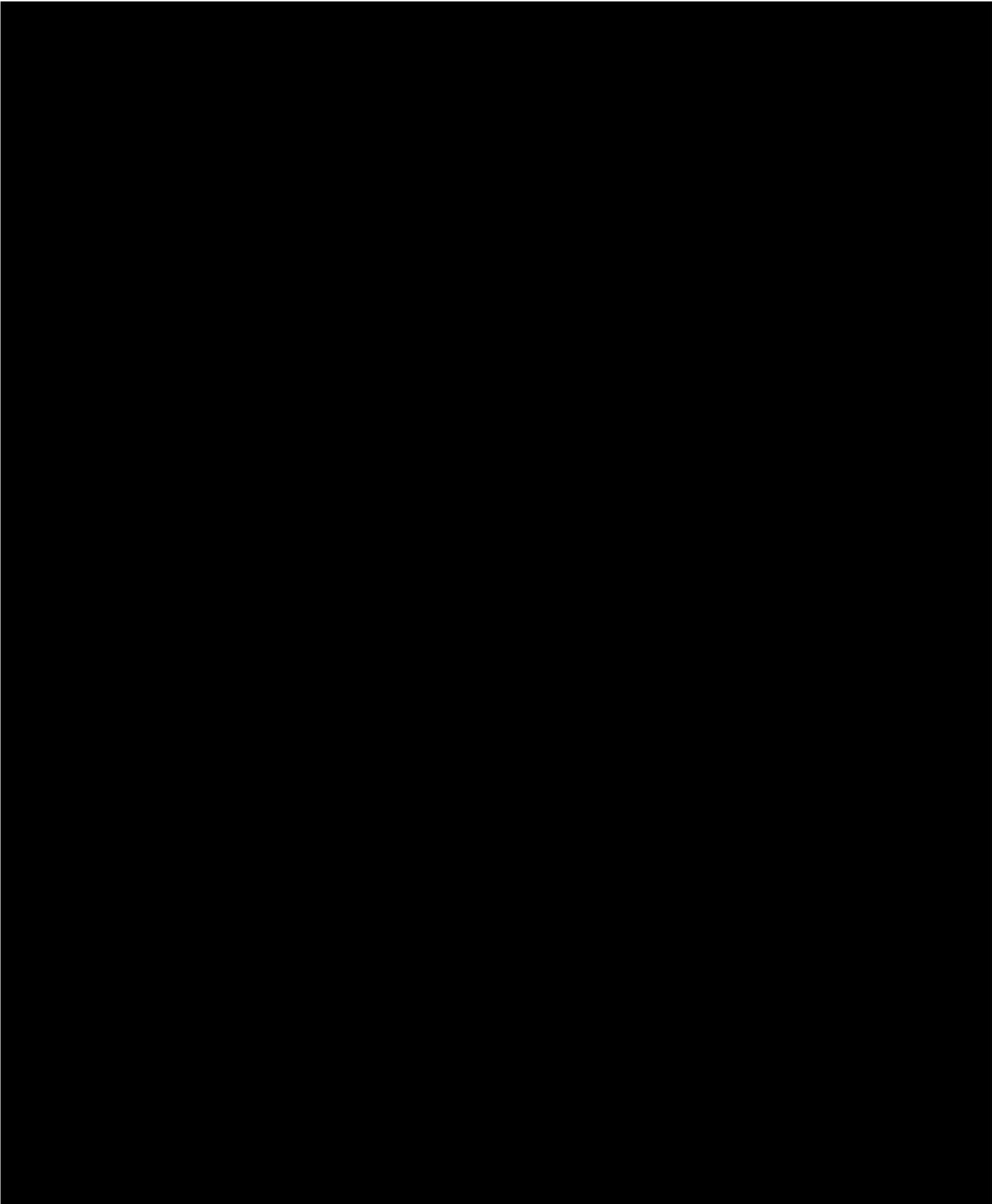


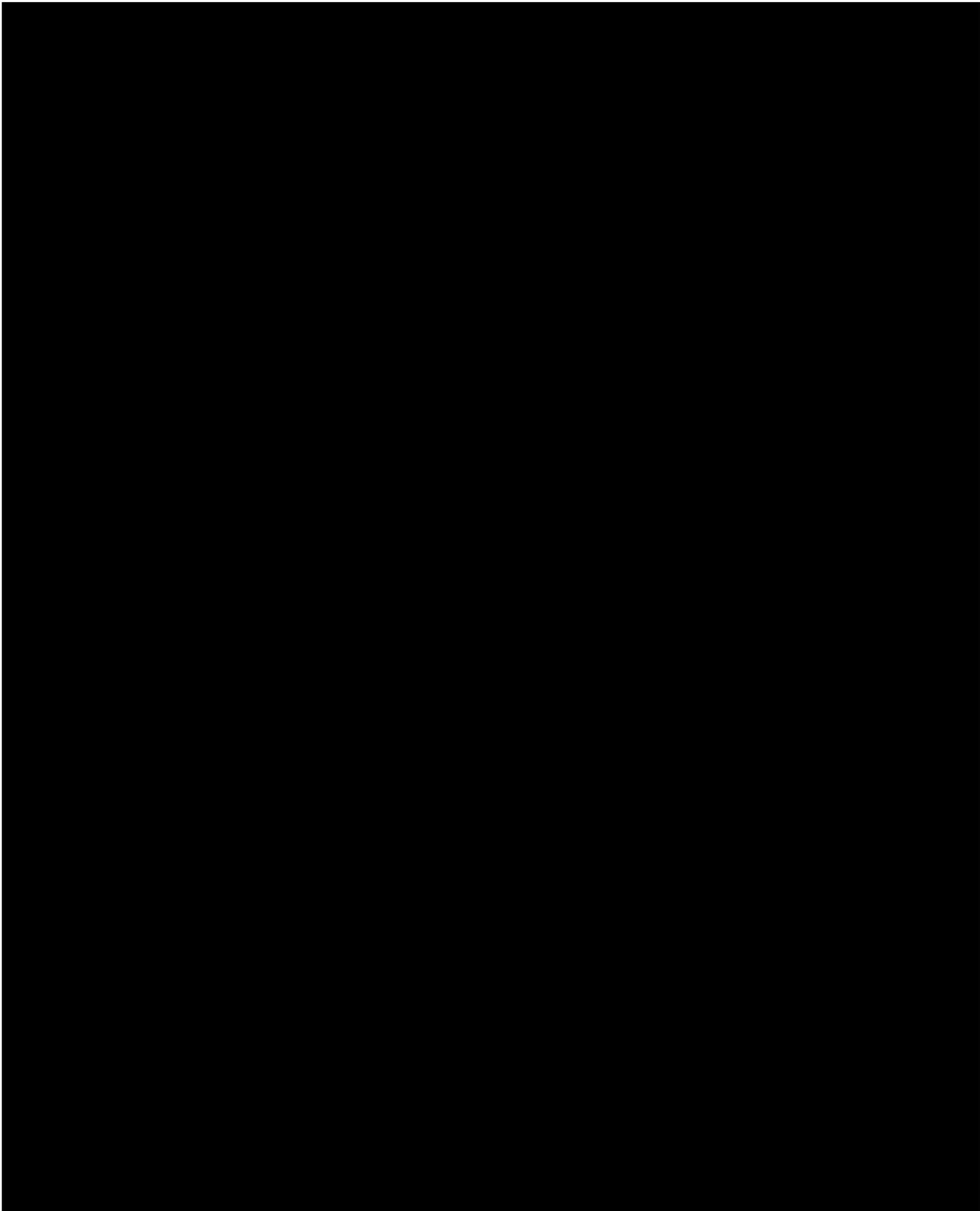


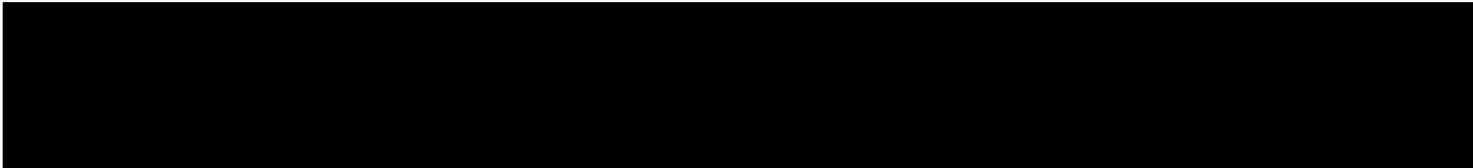






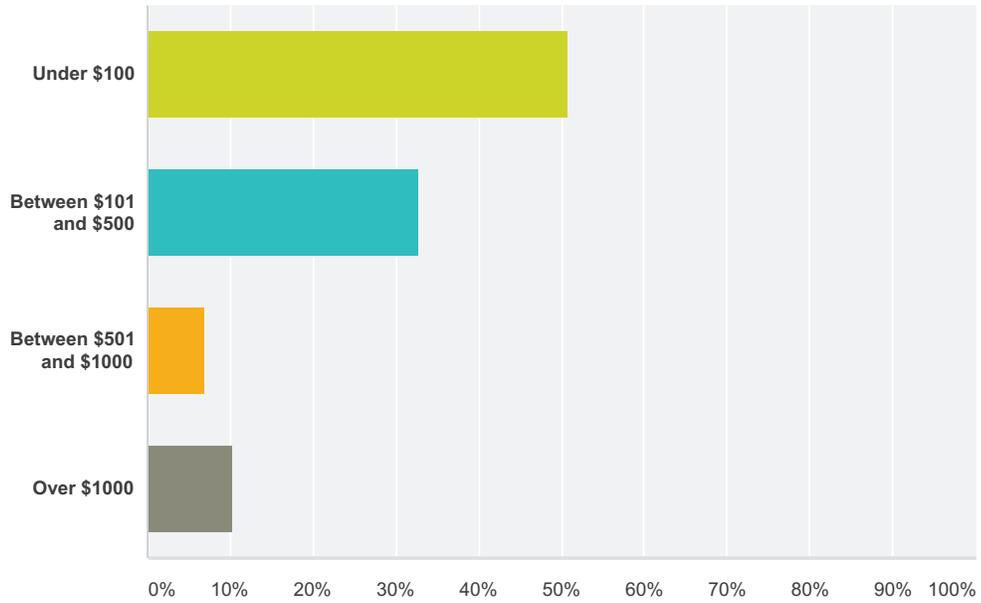




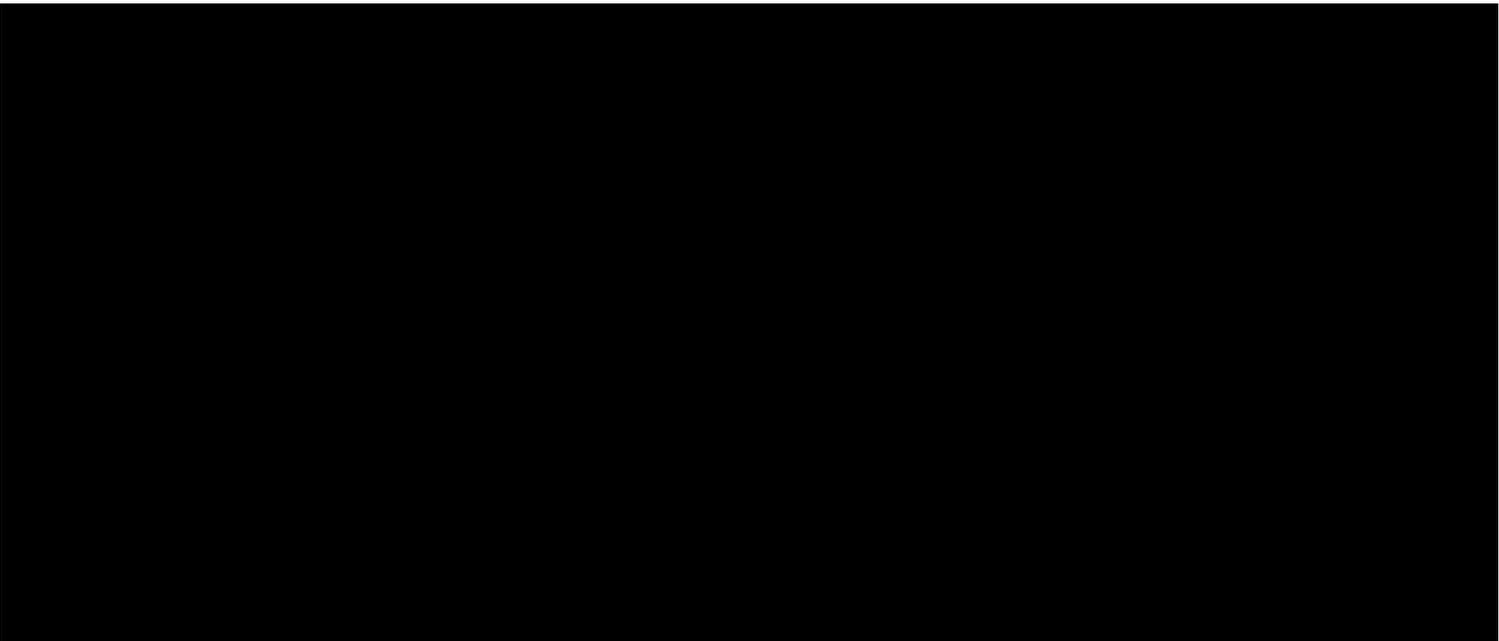


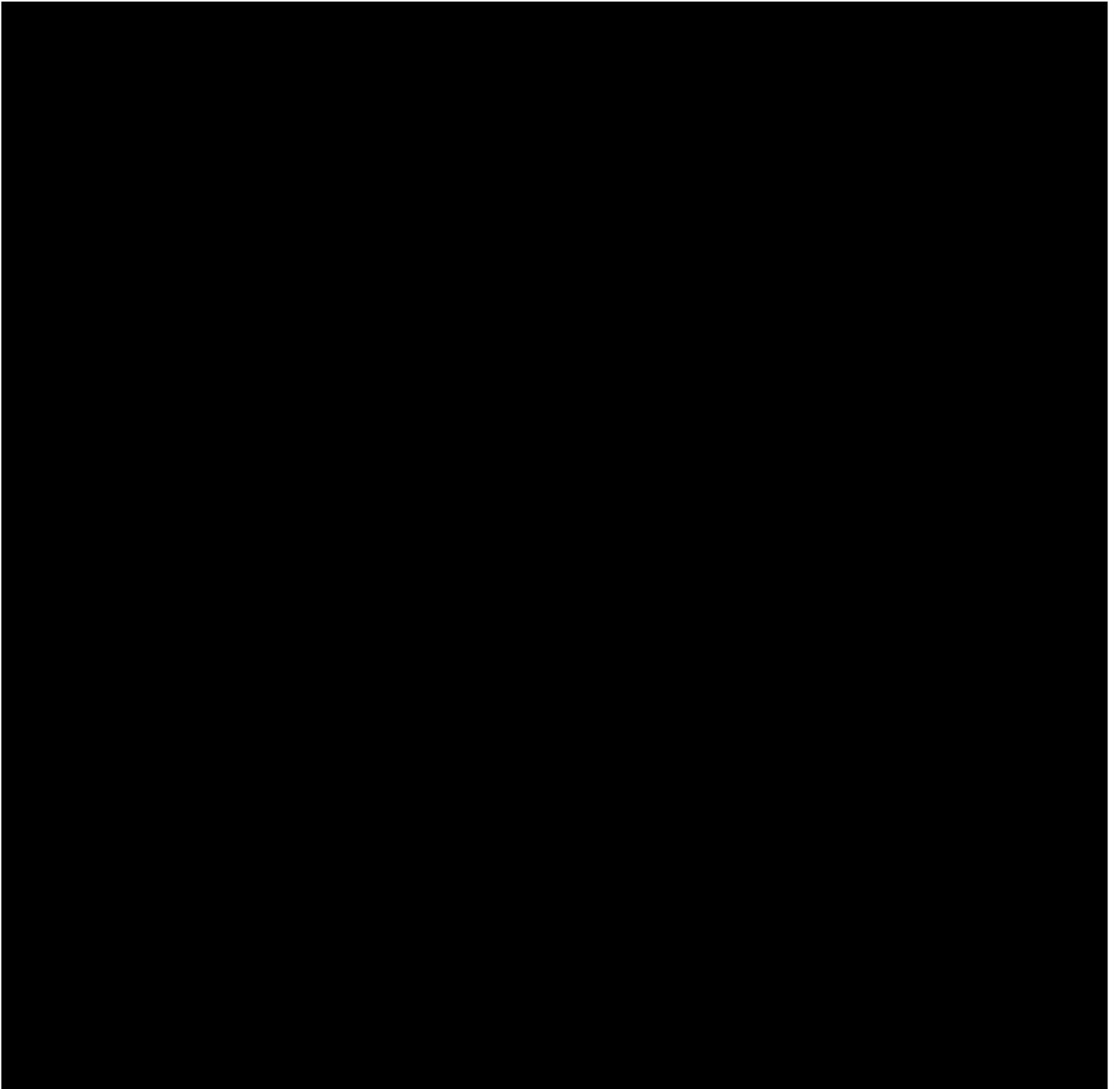
Q17 Was your most recent contribution

Answered: 1,106 Skipped: 966



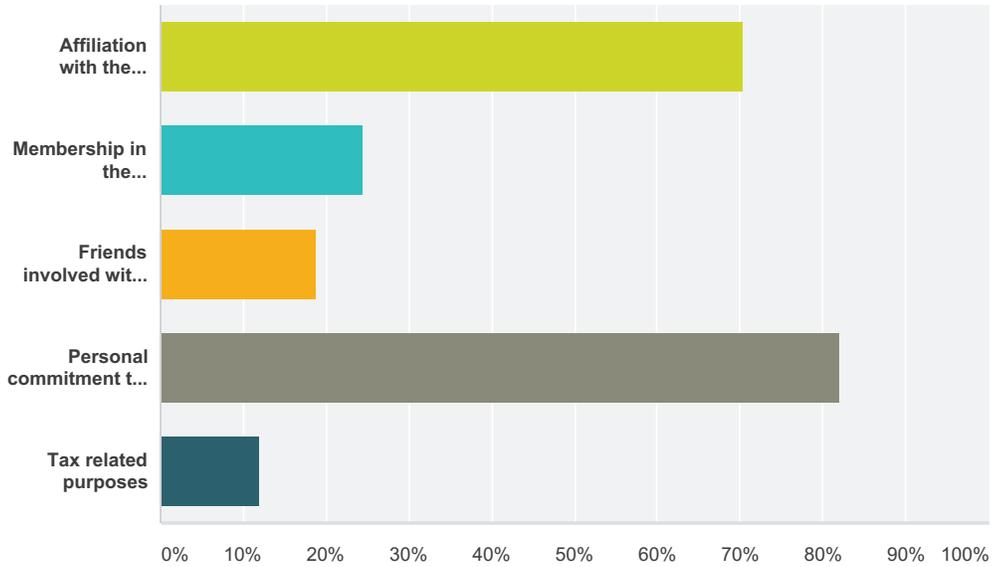
Answer Choices	Responses
Under \$100	50.72% 561
Between \$101 and \$500	32.73% 362
Between \$501 and \$1000	6.96% 77
Over \$1000	10.13% 112
Total Respondents: 1,106	



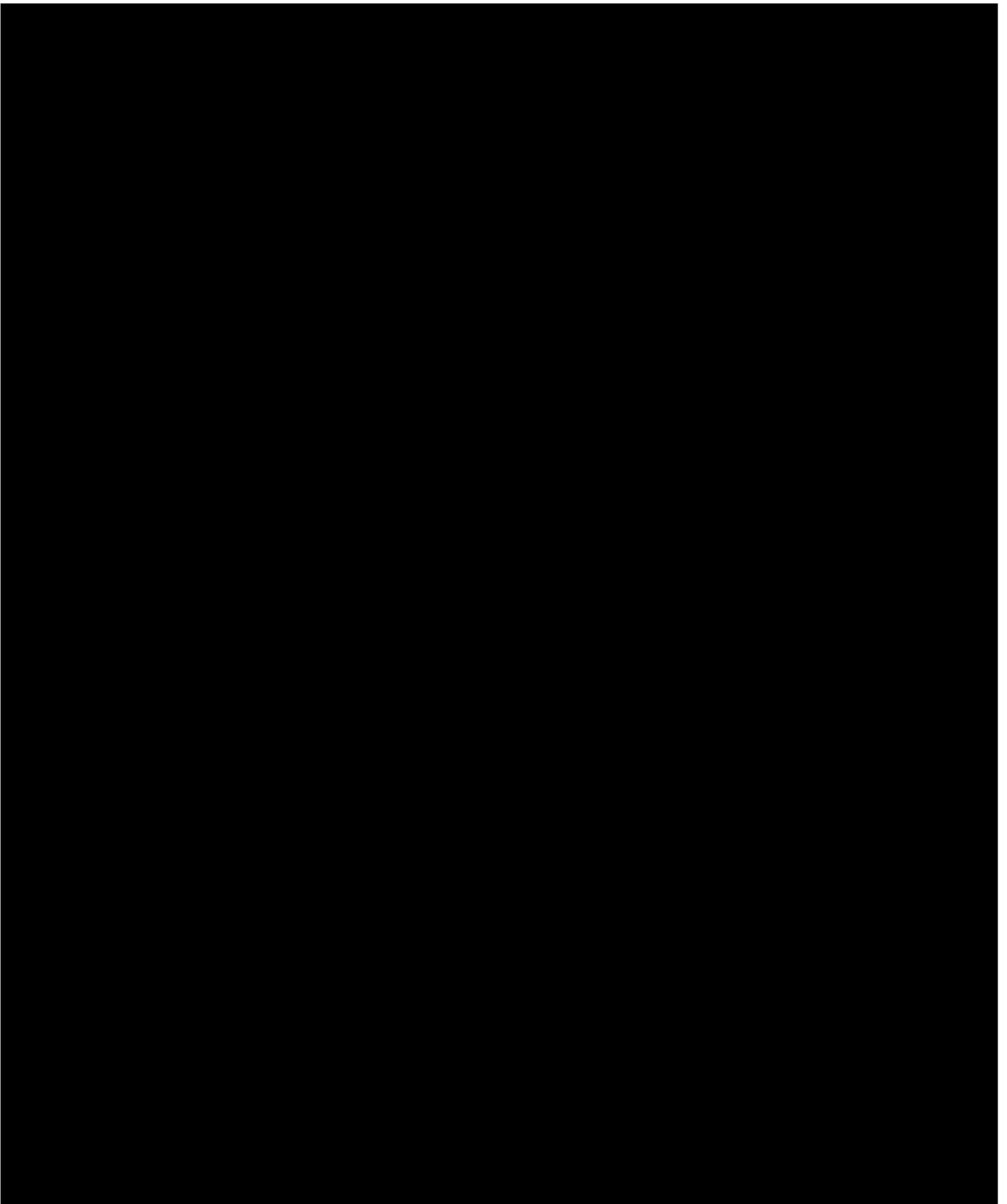


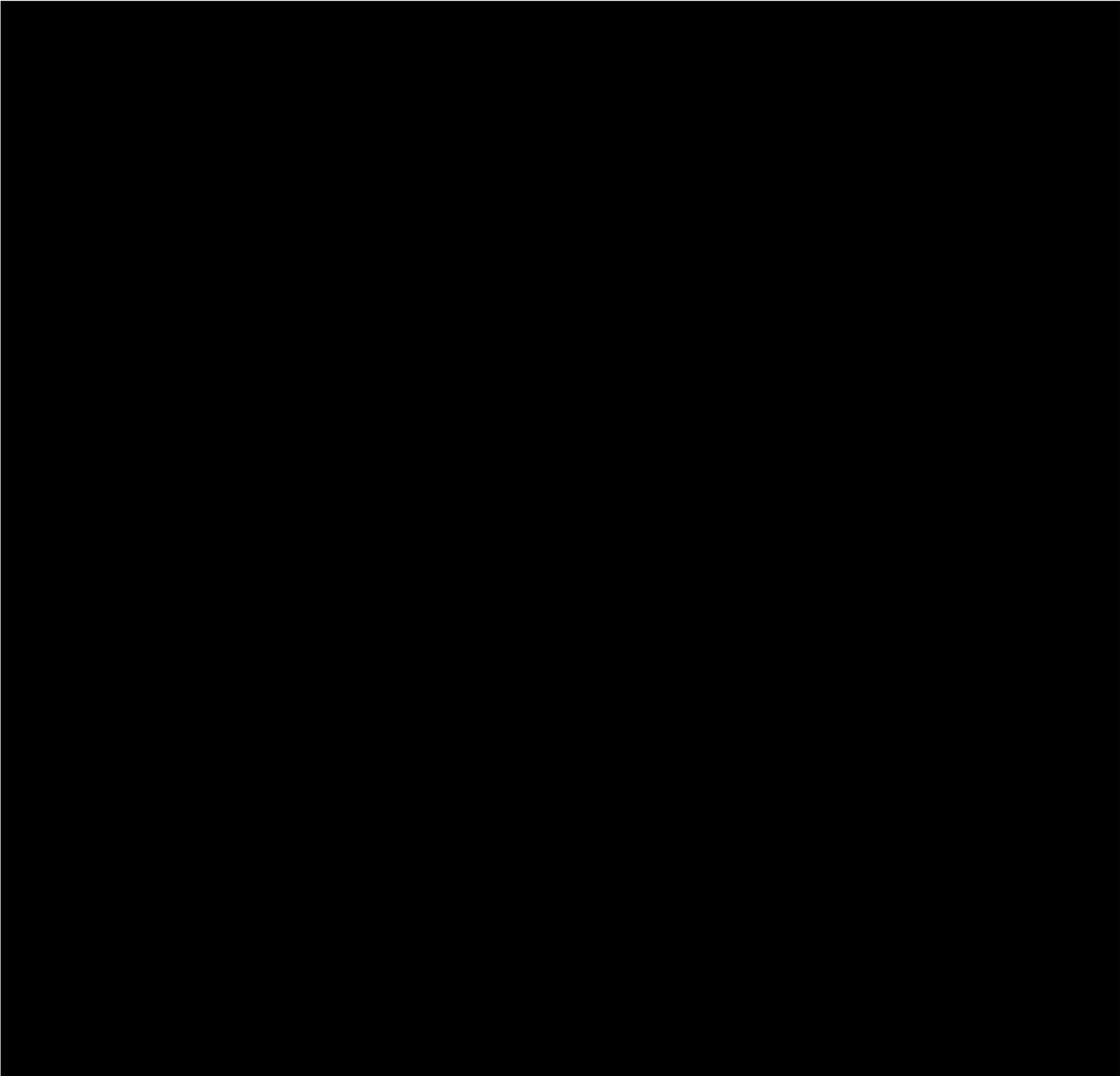
Q18 What compels you to give to an organization?

Answered: 1,106 Skipped: 966



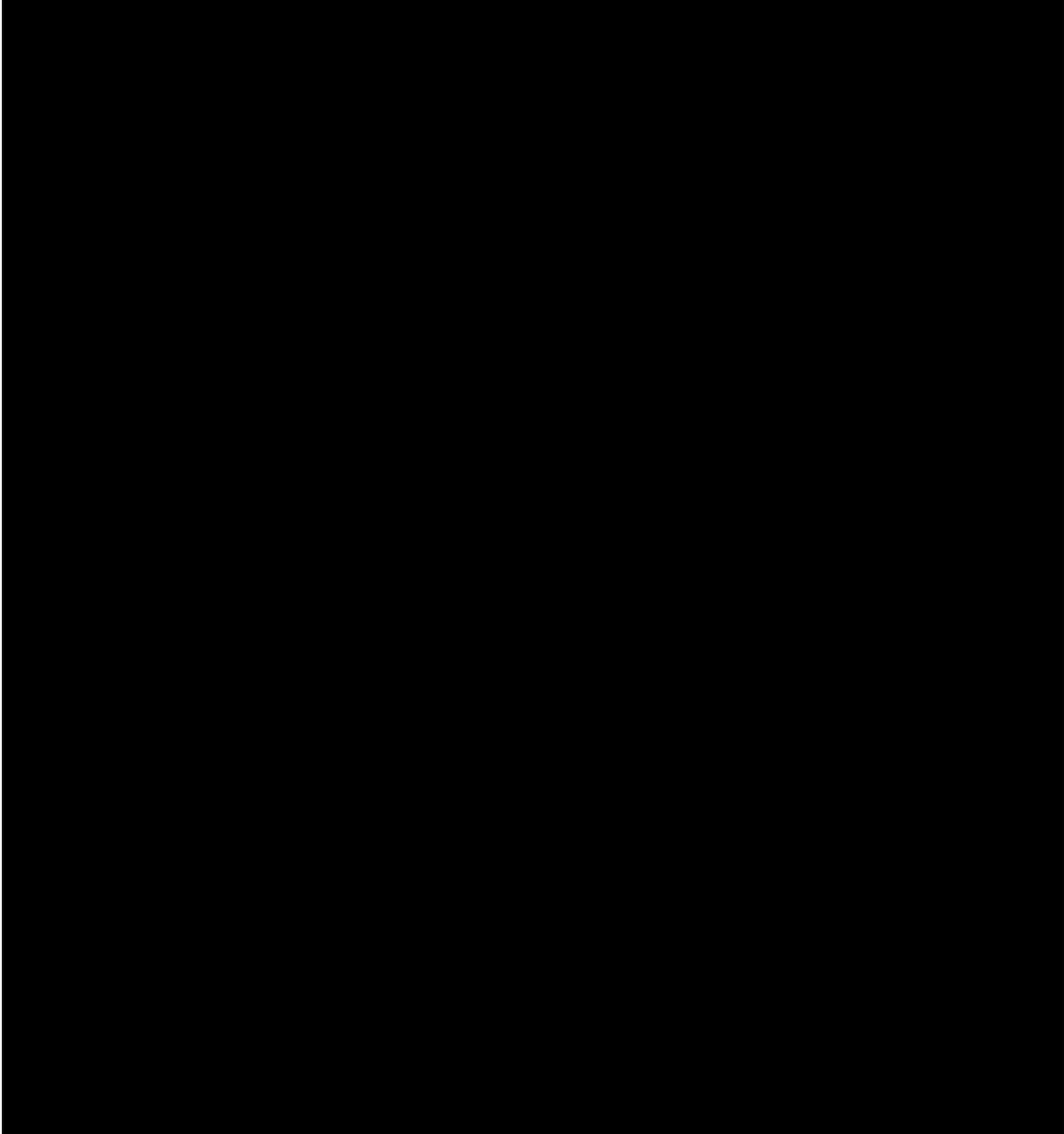
Answer Choices	Responses
Affiliation with the organizations focus, mission (personally affected)	70.25% 777
Membership in the organization	24.32% 269
Friends involved with the organization	18.81% 208
Personal commitment to the cause	82.01% 907
Tax related purposes	11.93% 132
Total Respondents: 1,106	

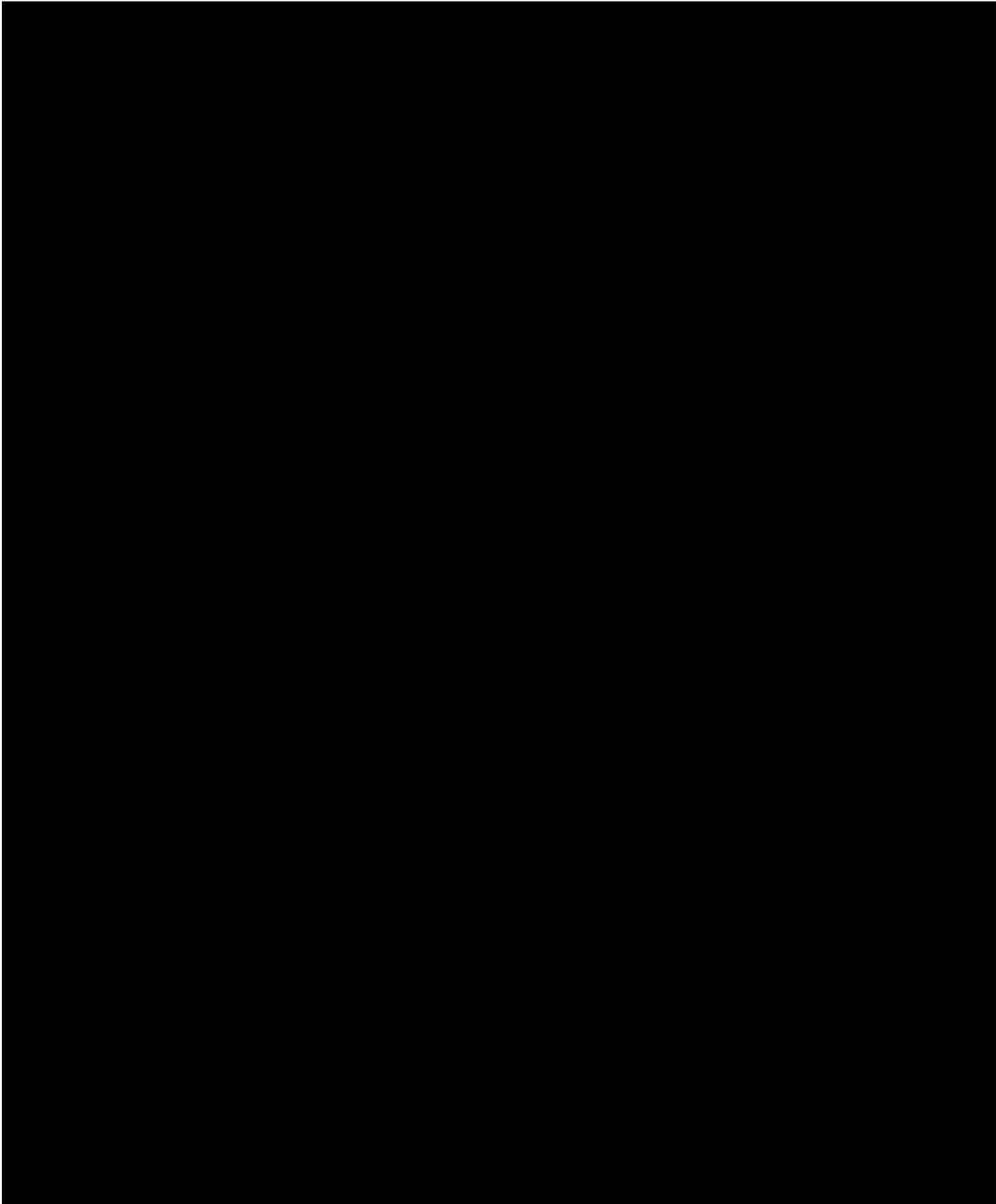


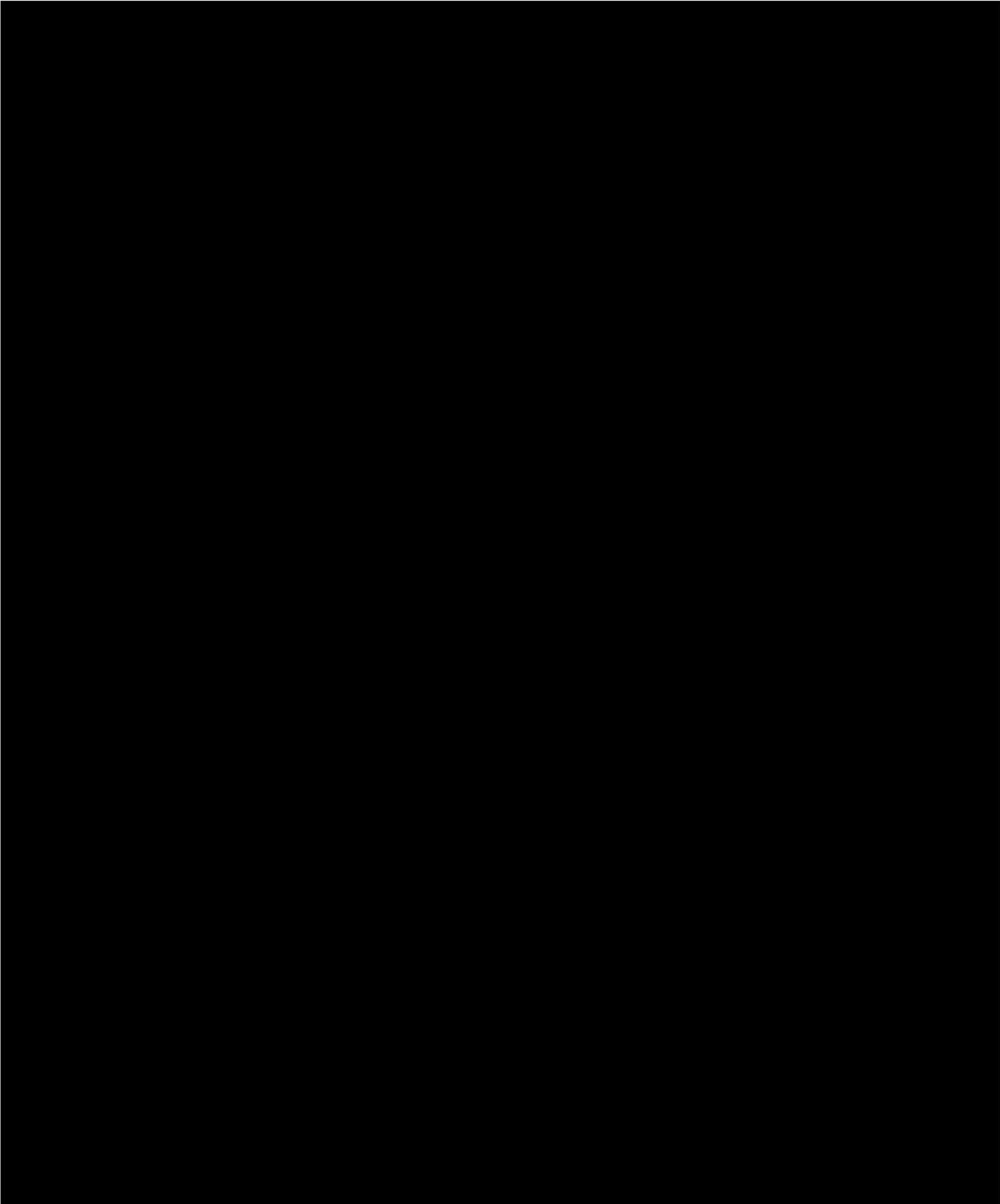


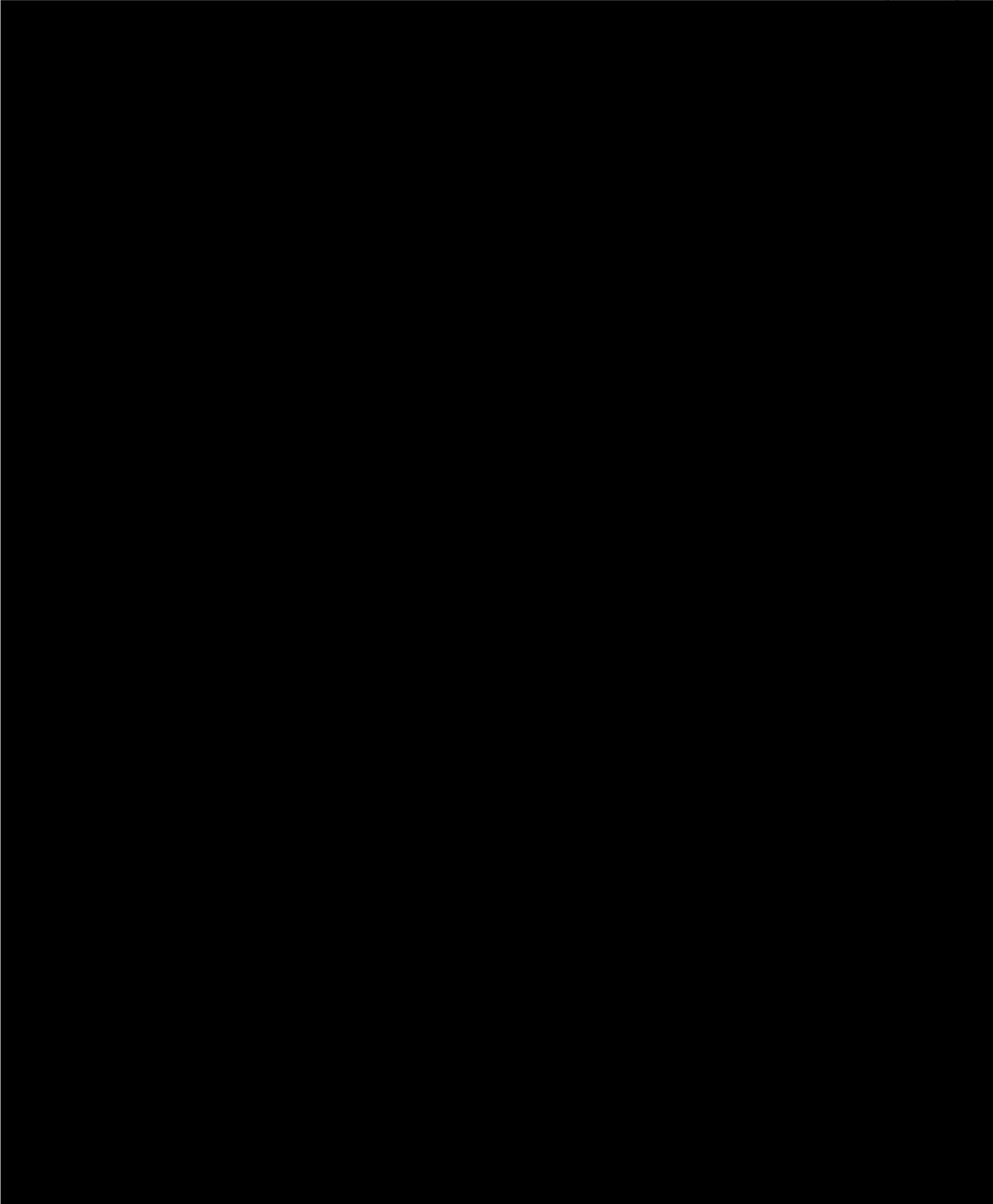
**Q19 Is there any reason you would think
OutServe-SLDN could not be successful in
philanthropy for its organization?**

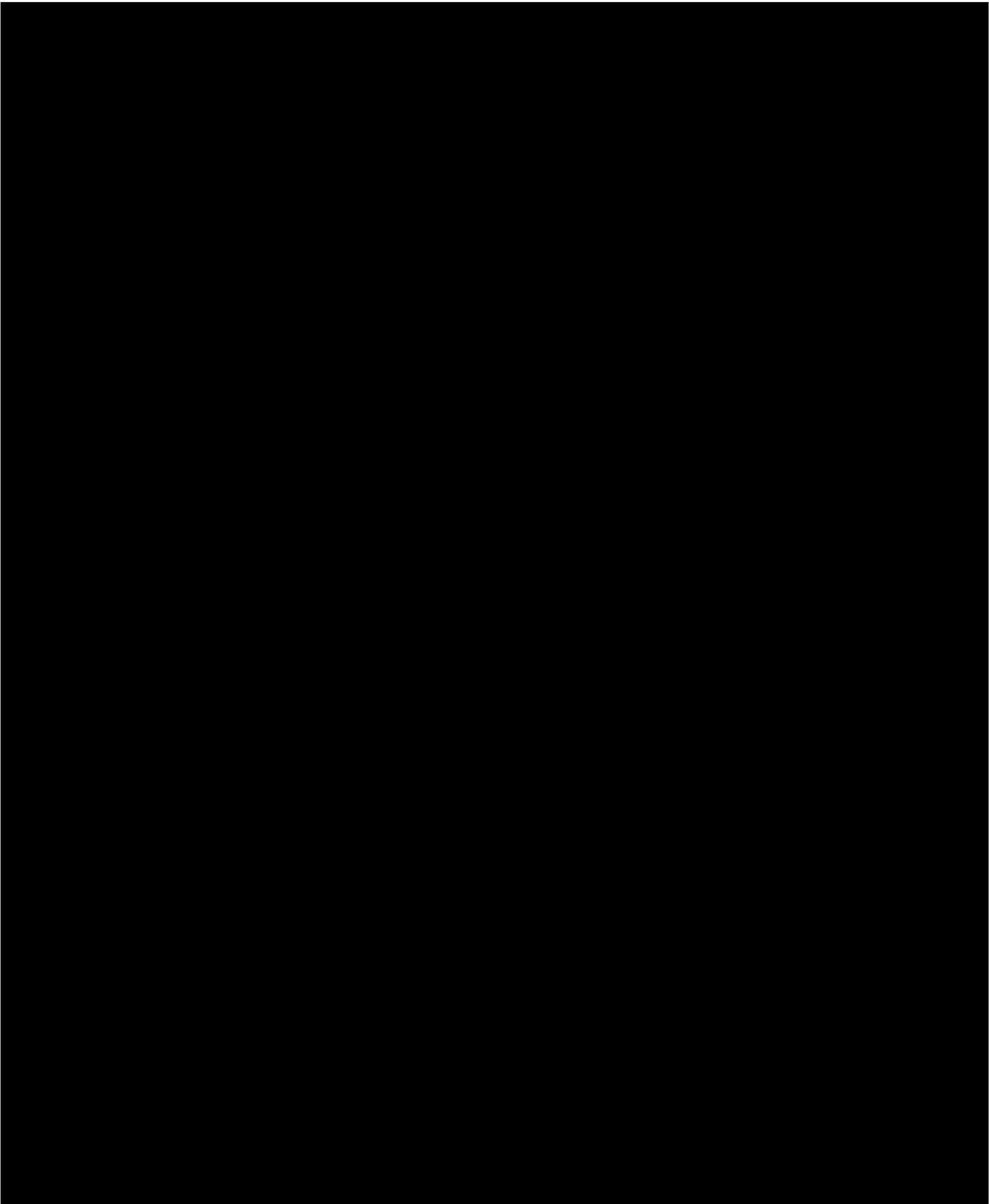
Answered: 1,526 Skipped: 546

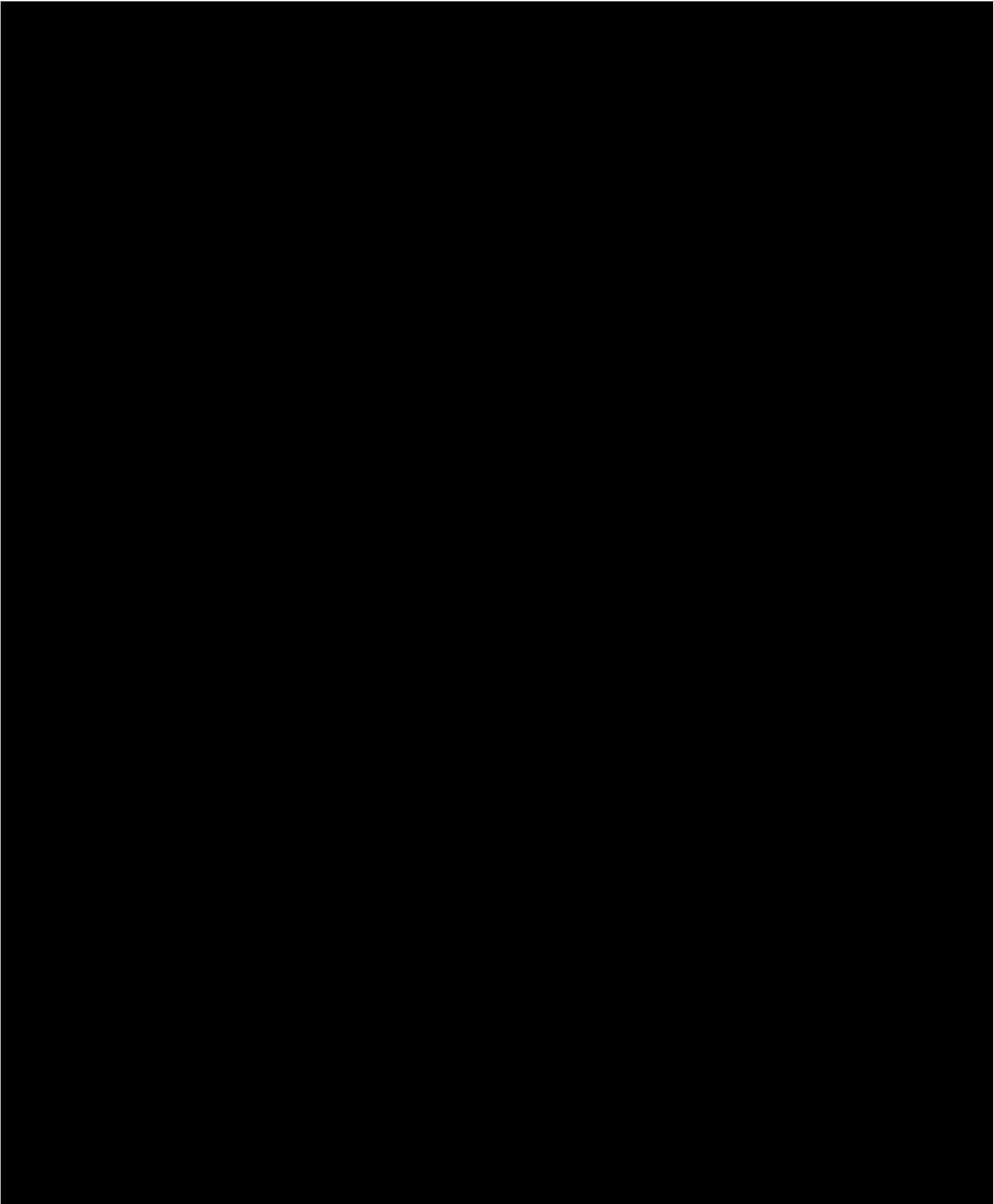


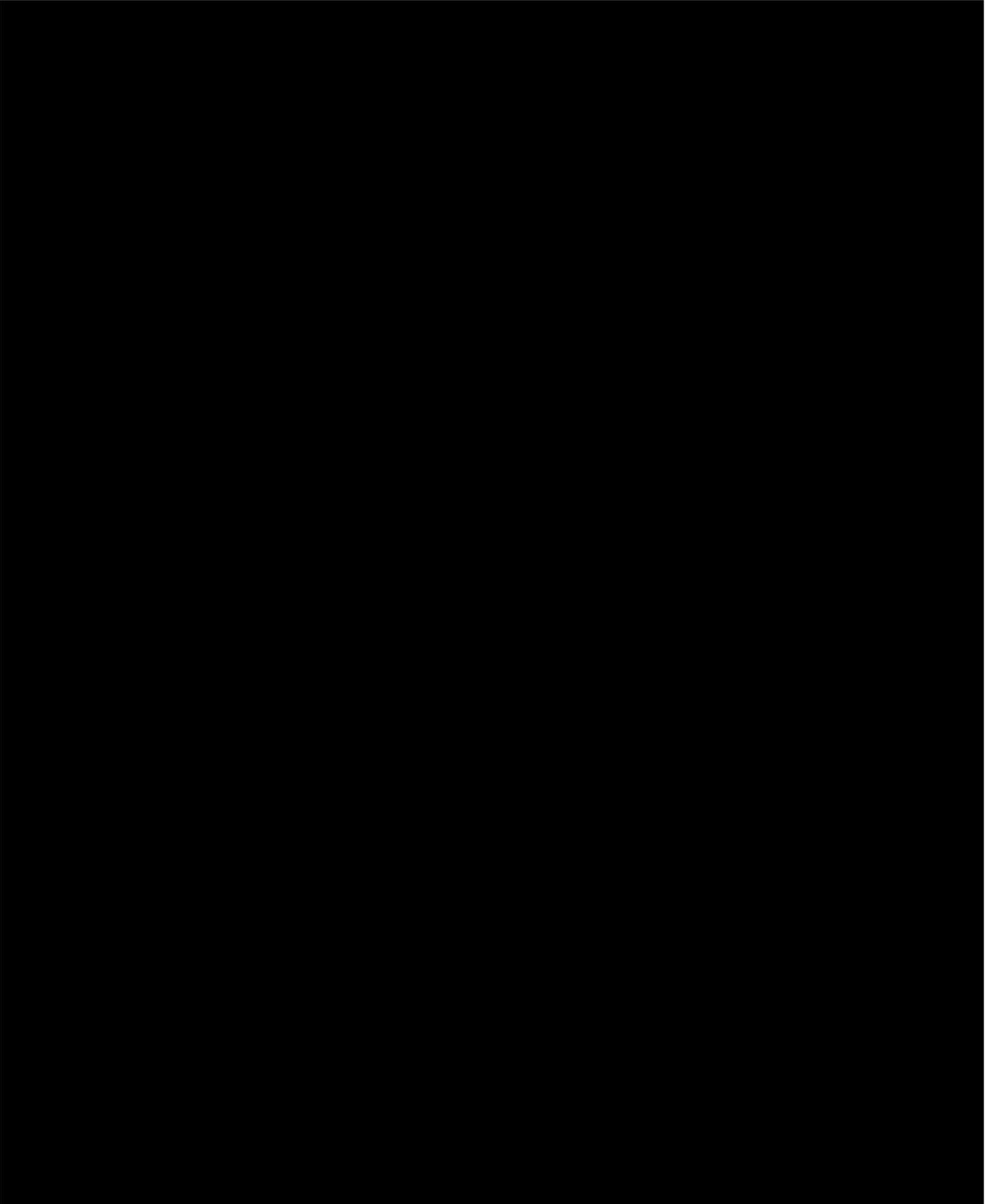


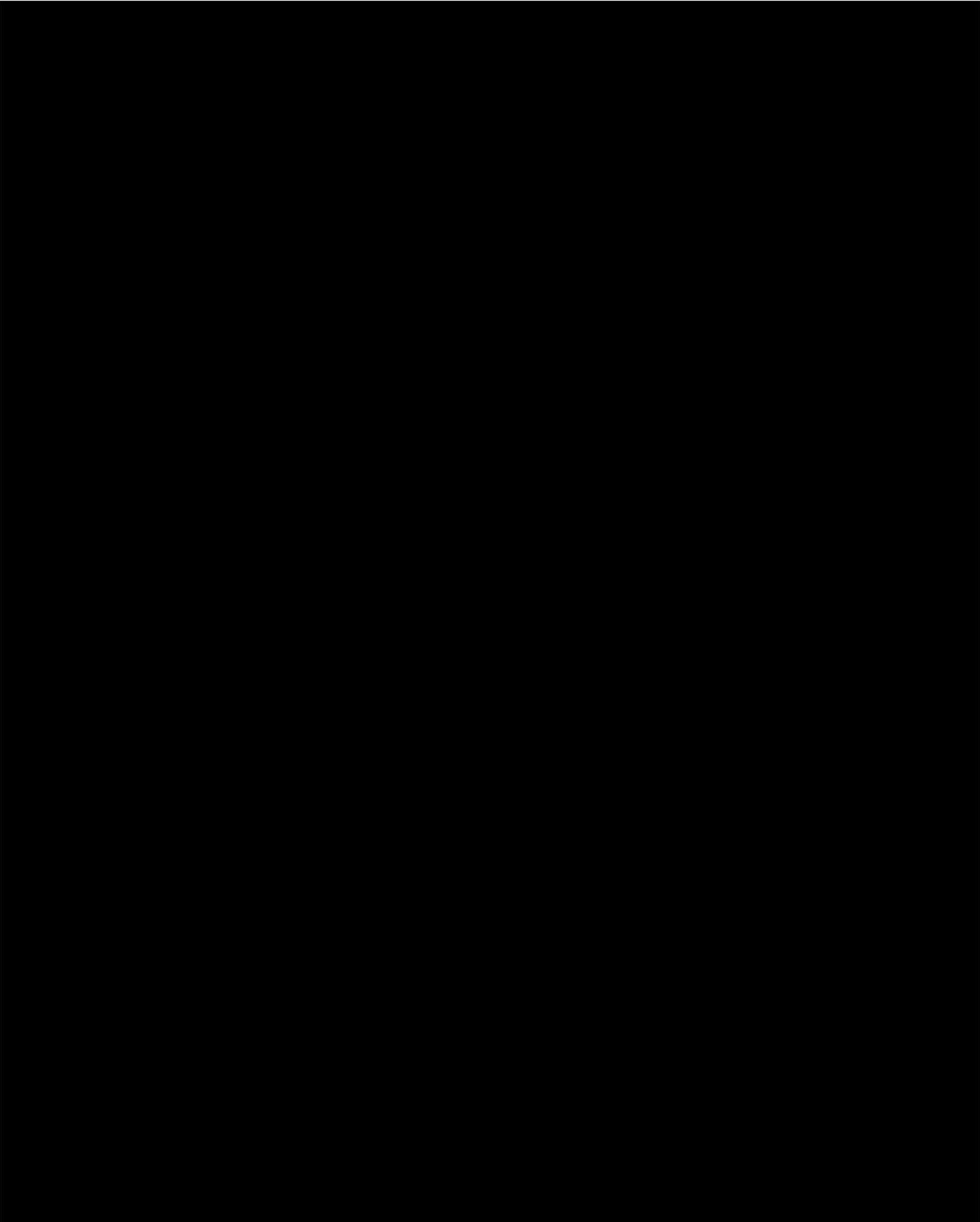


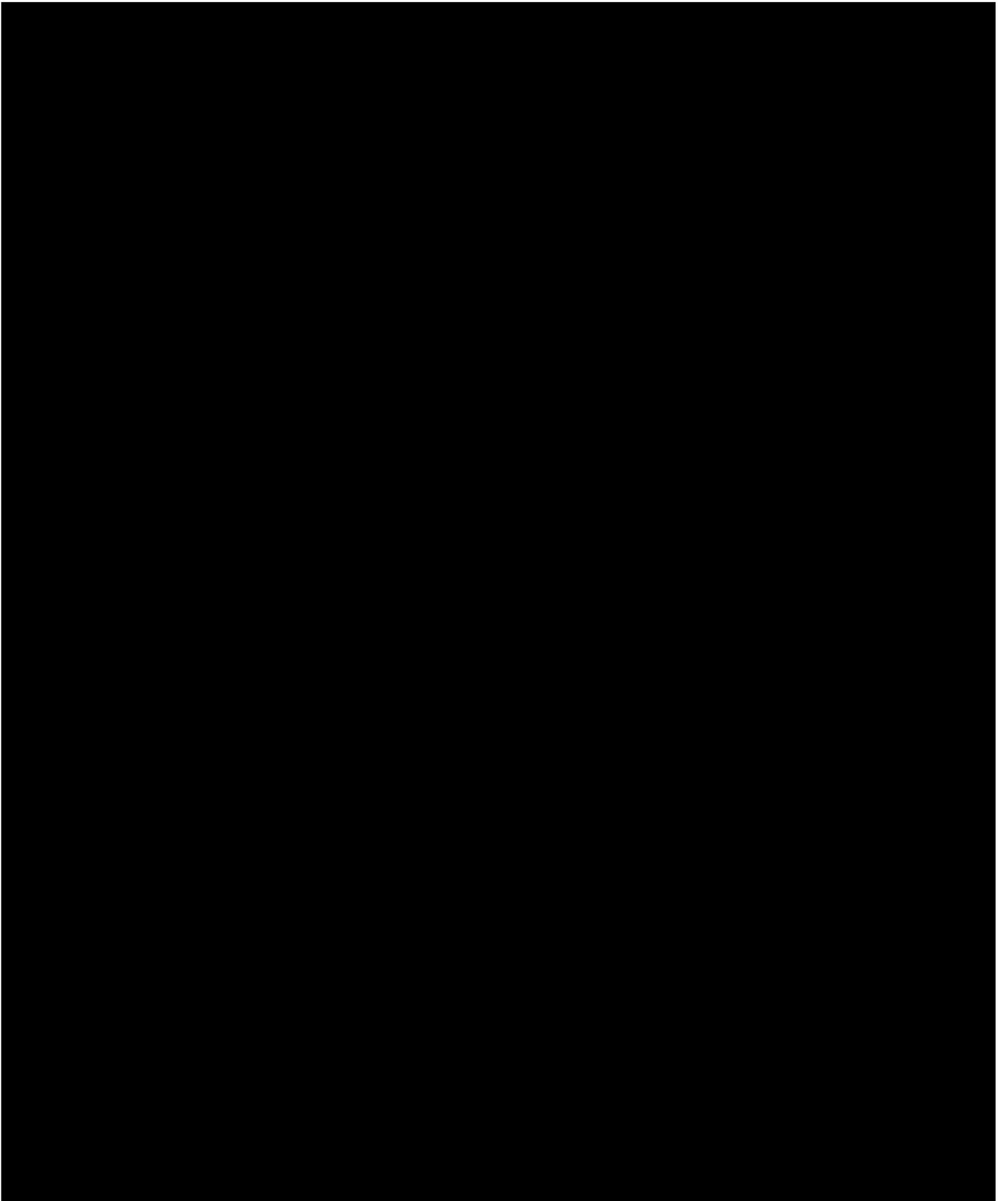


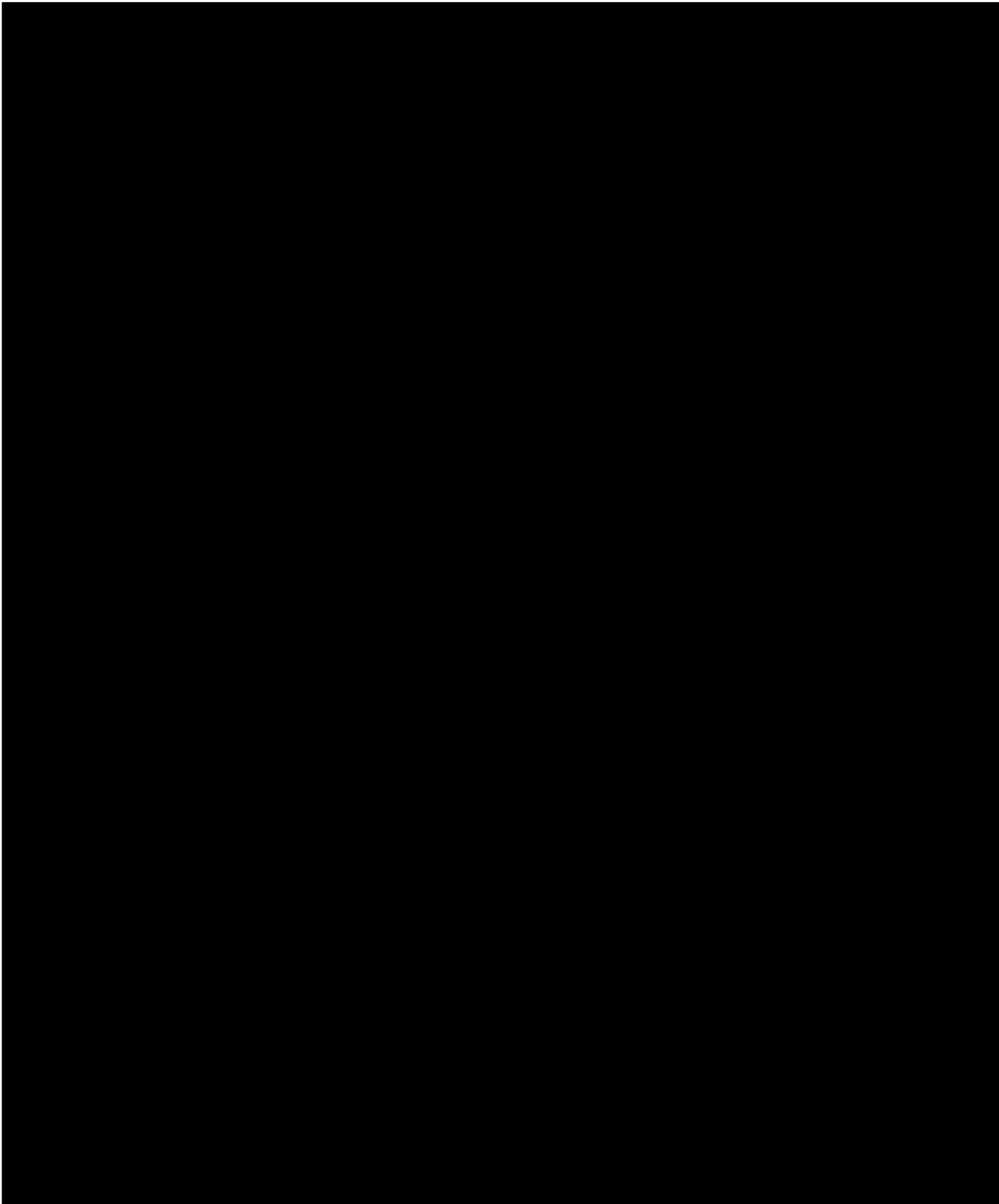


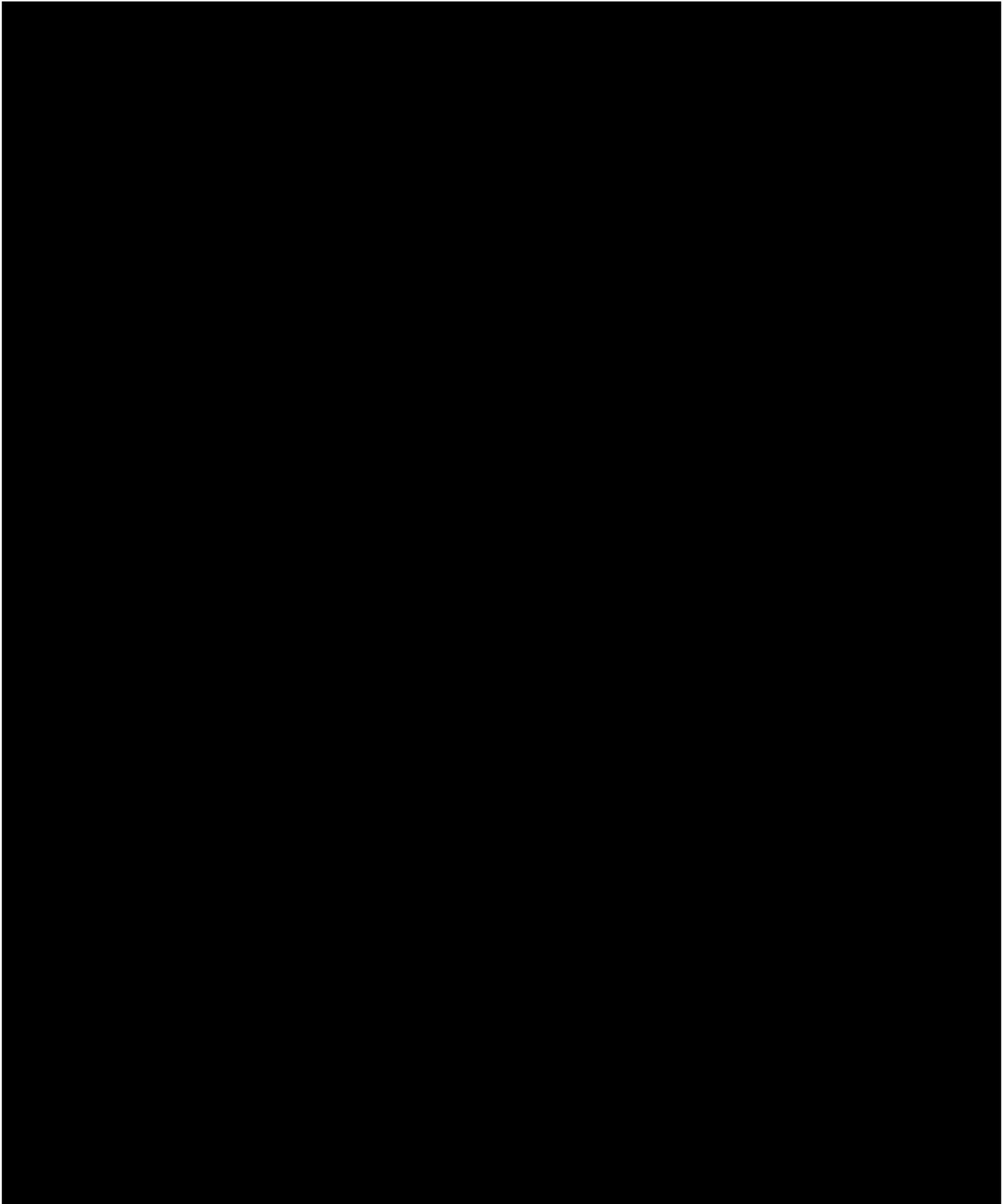


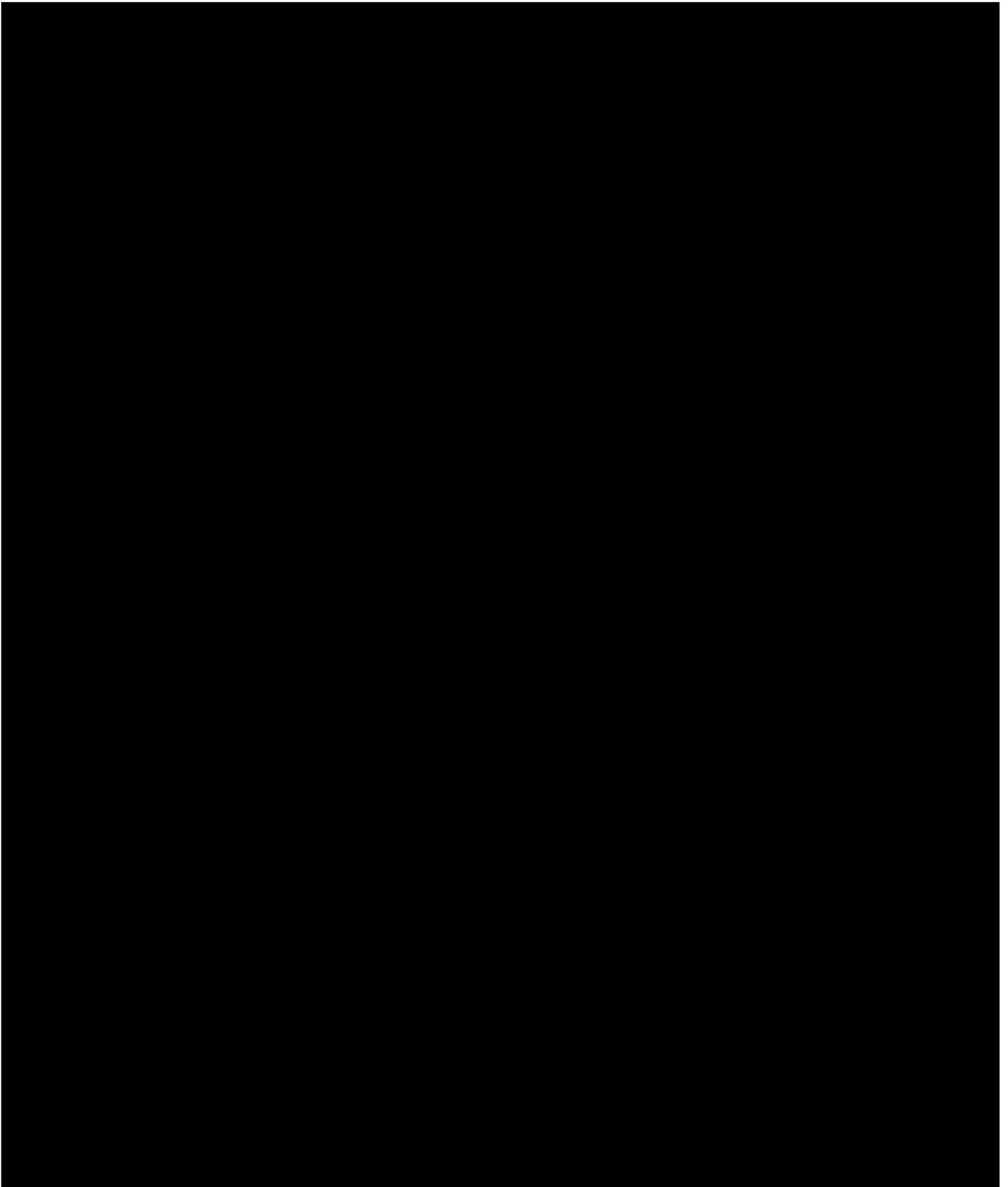


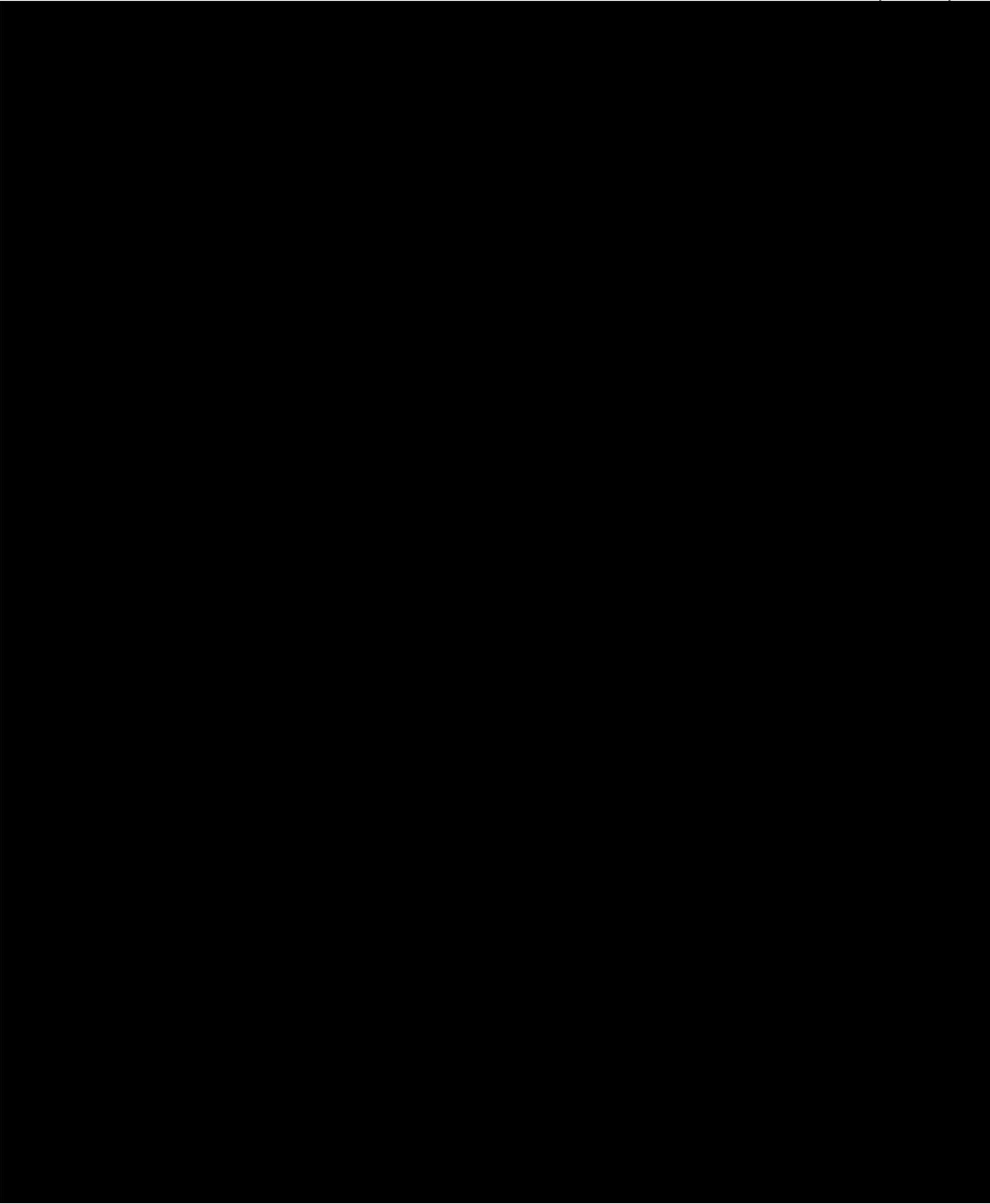


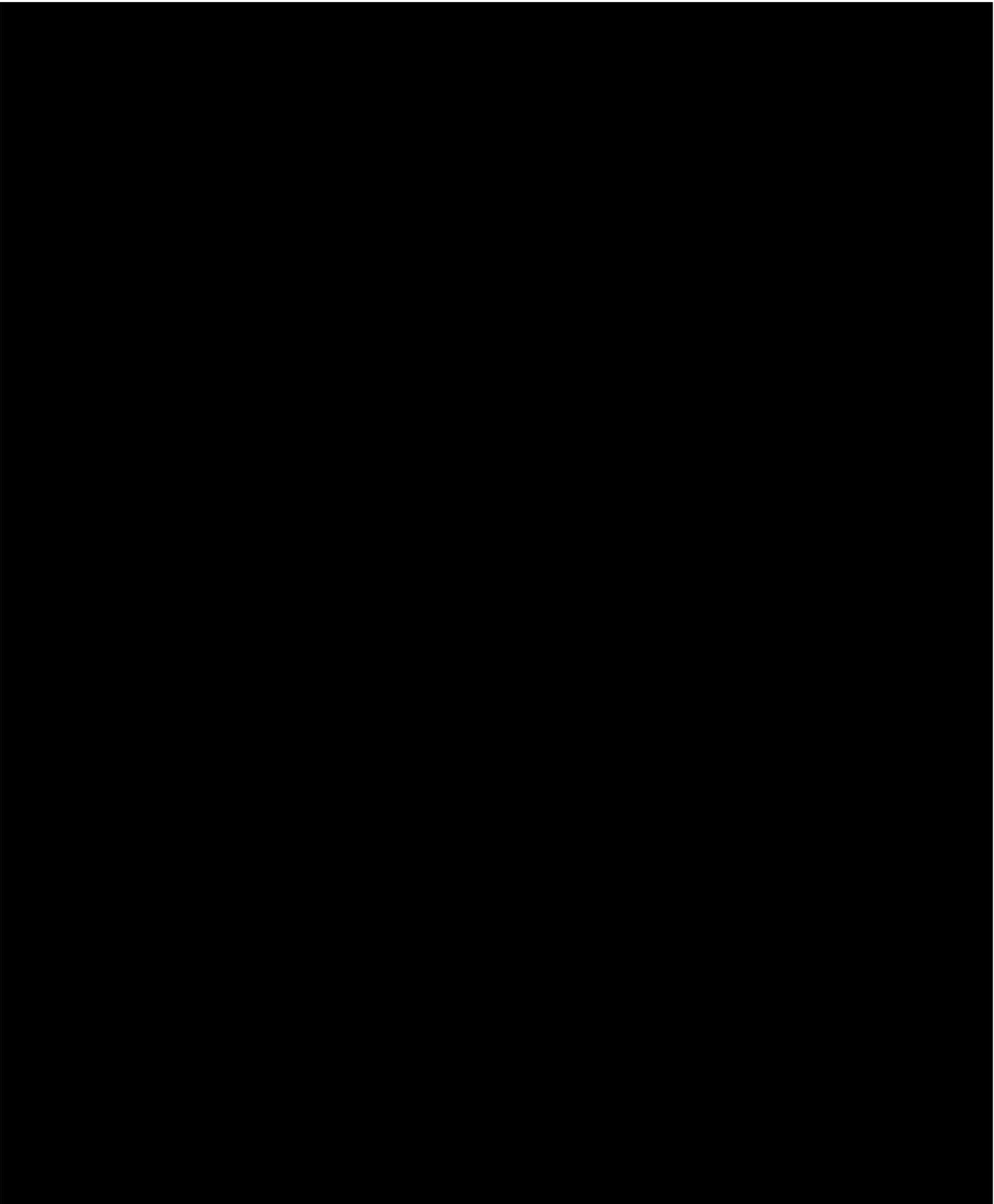


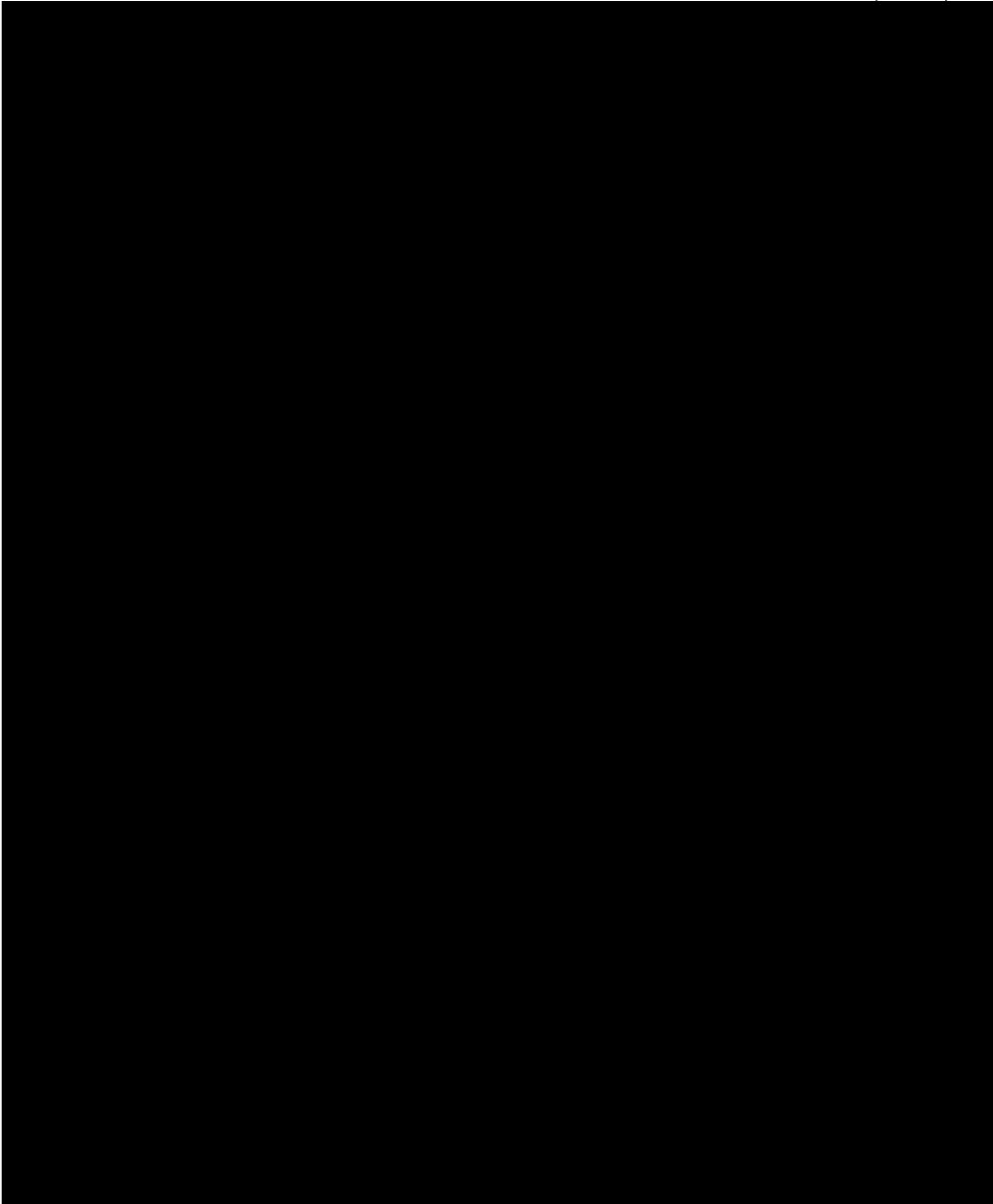


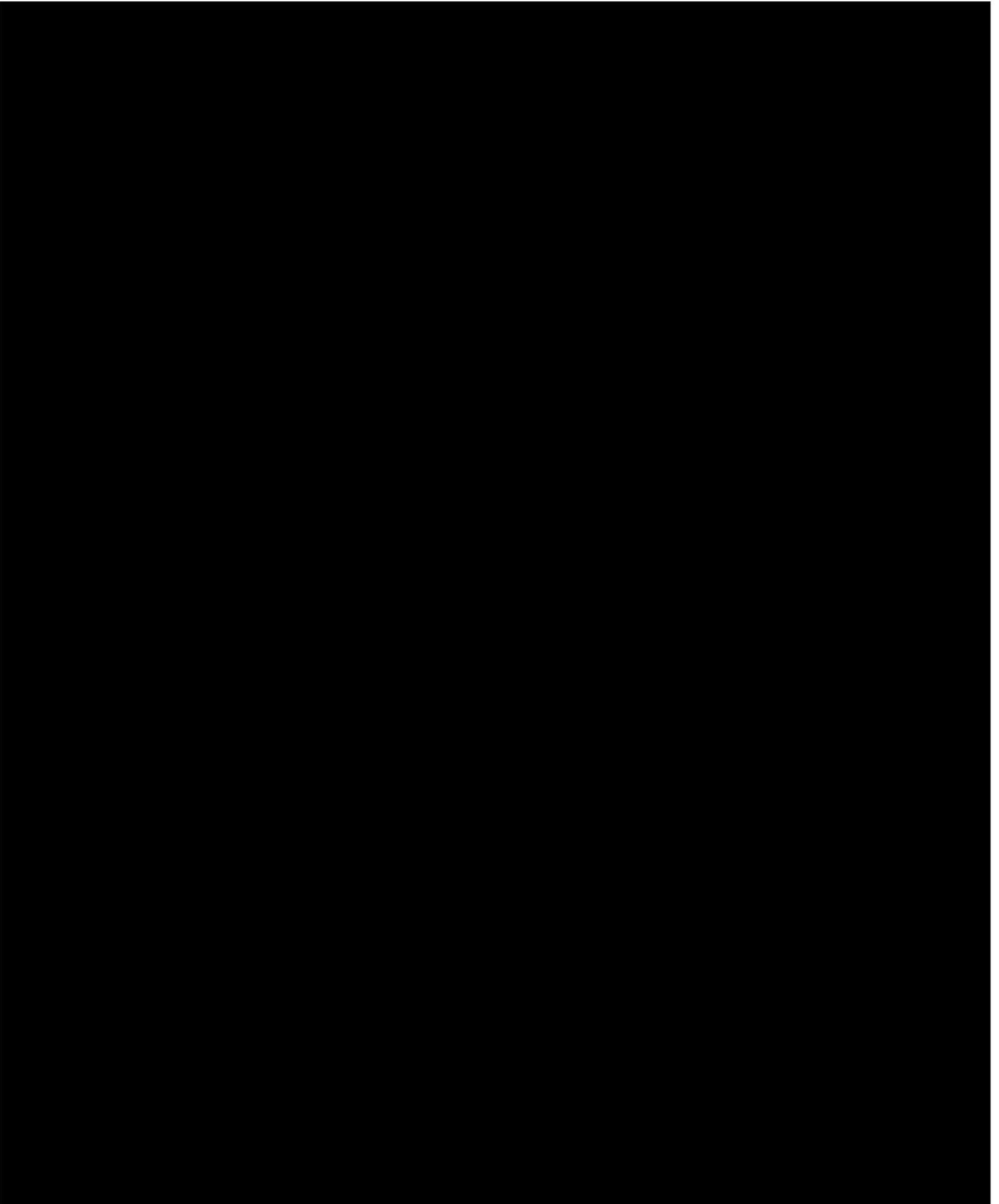


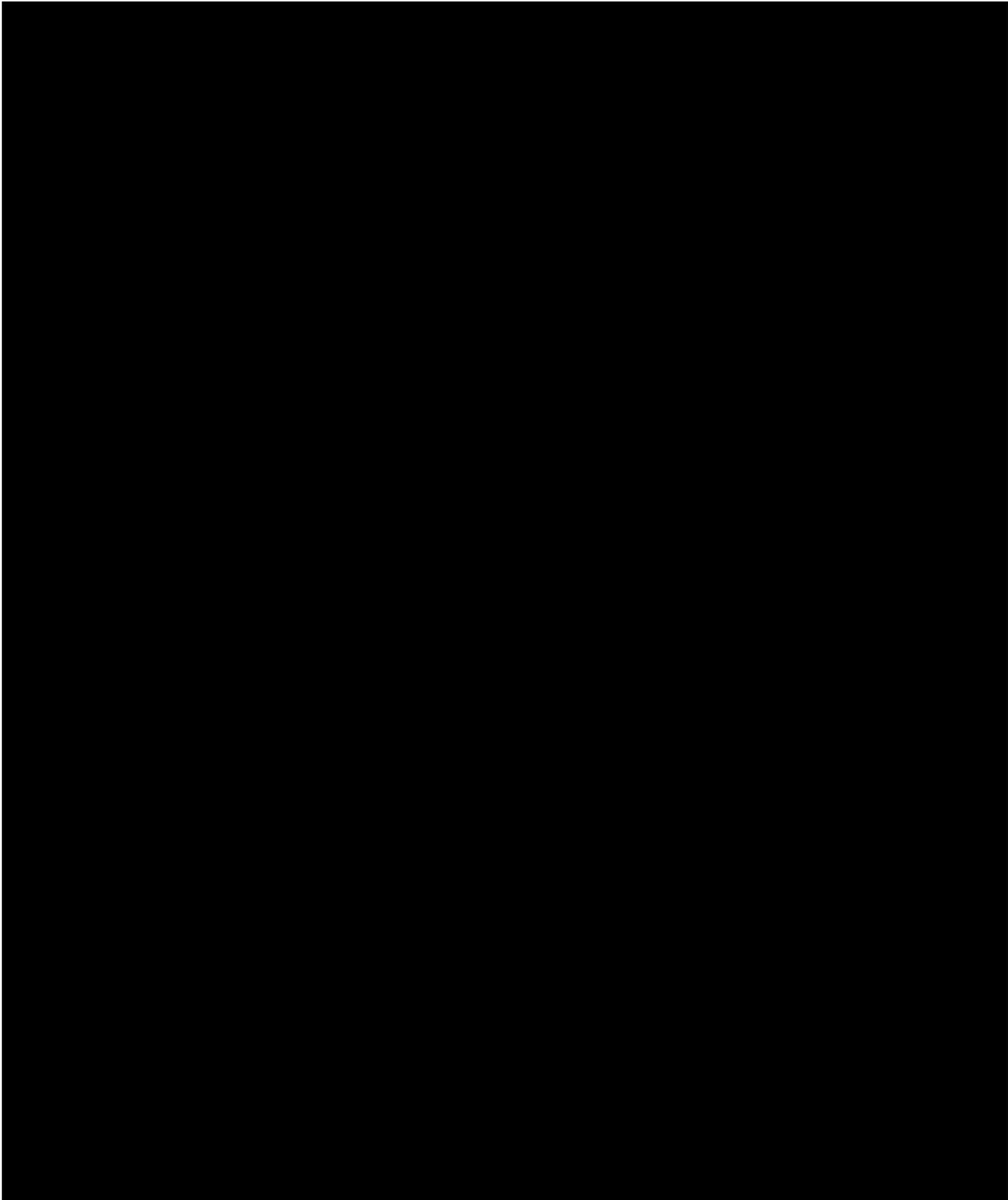


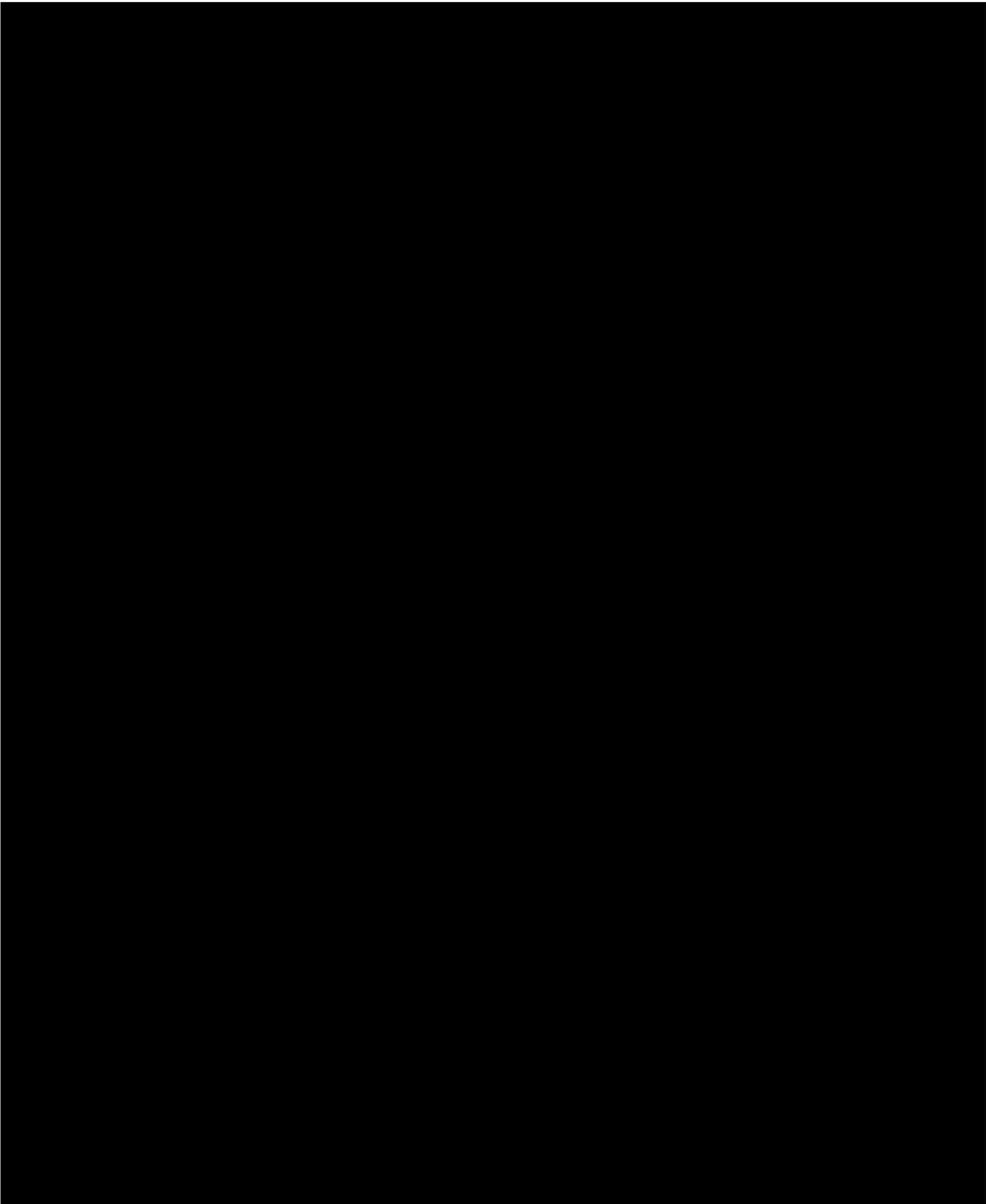


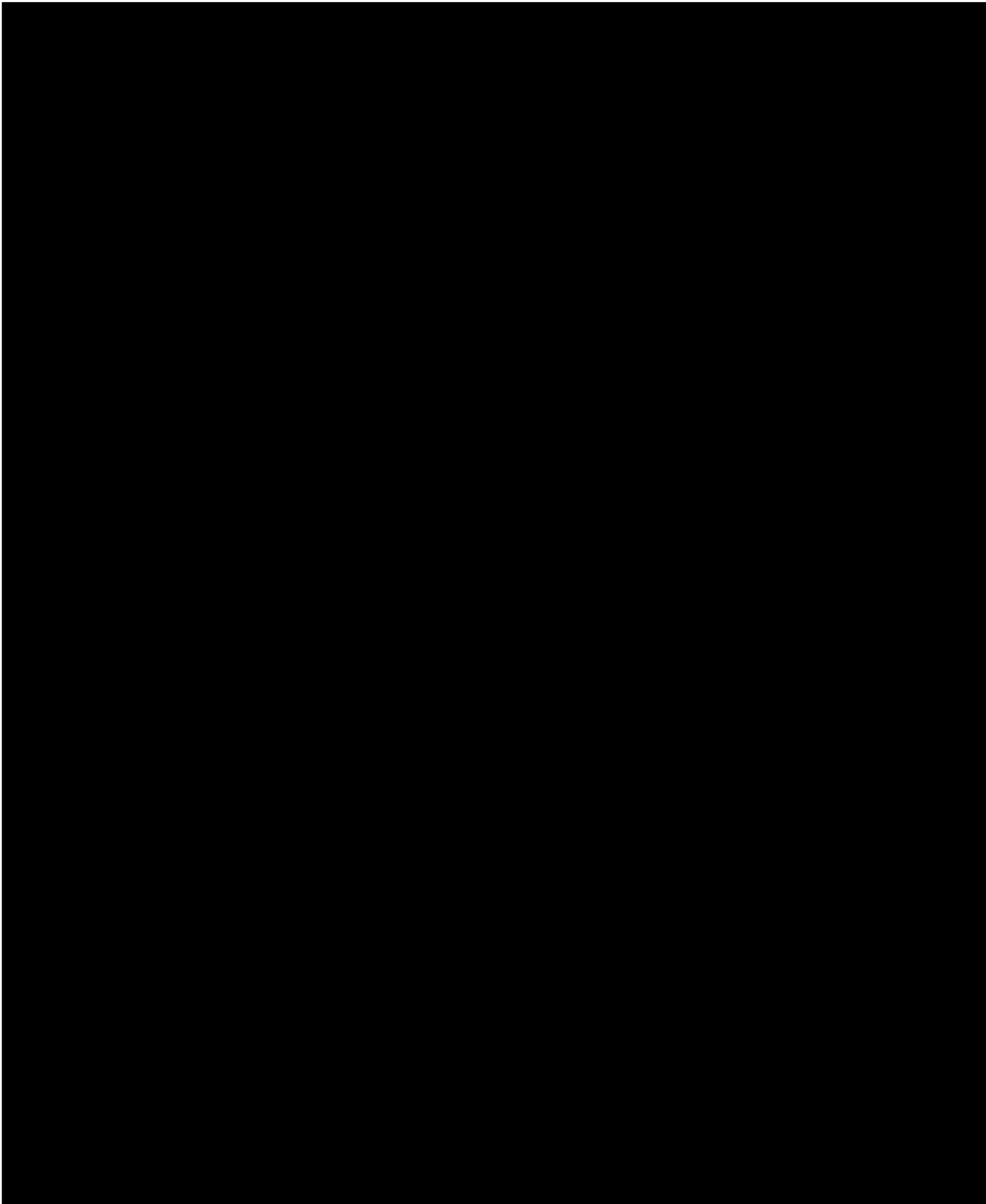


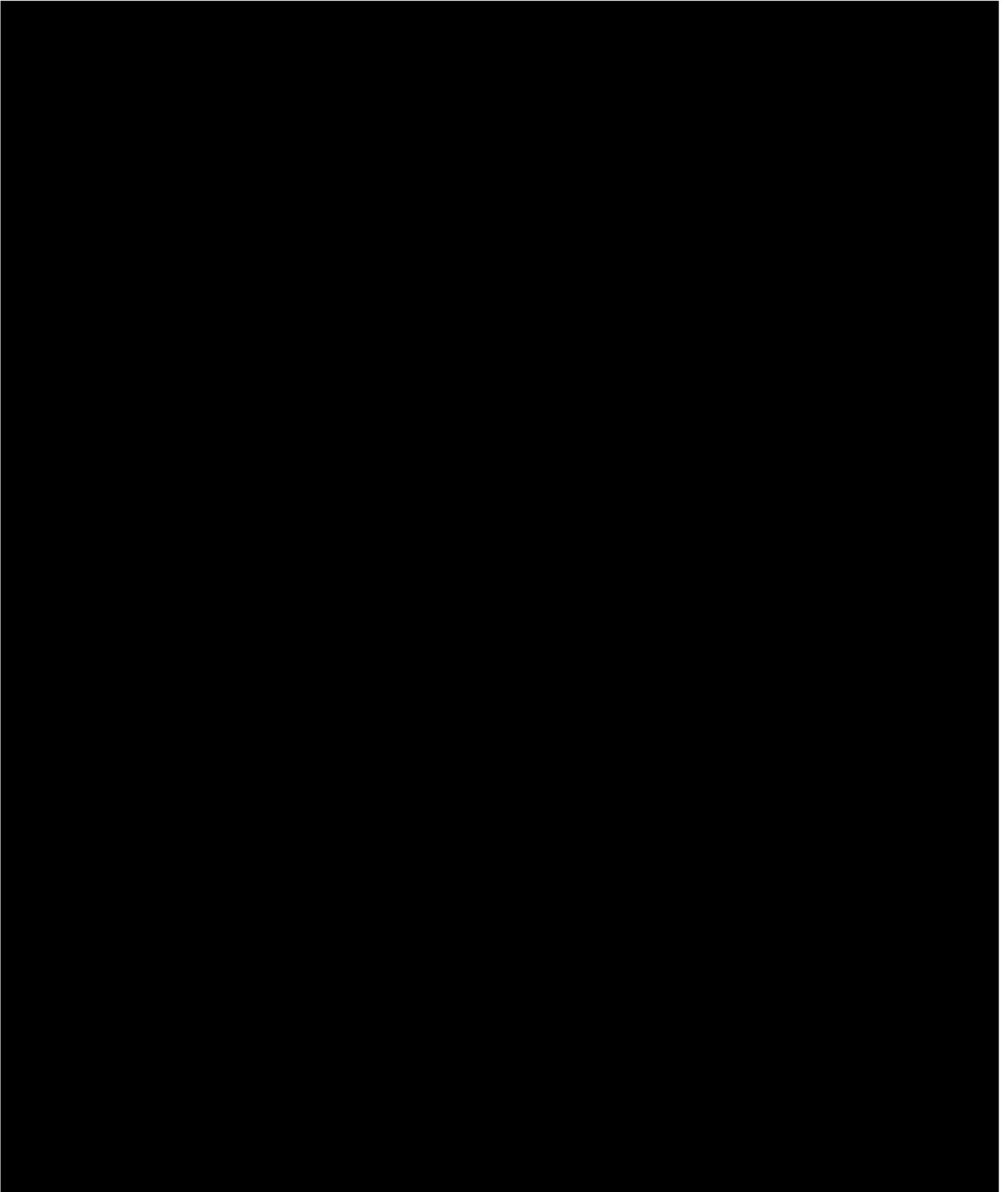


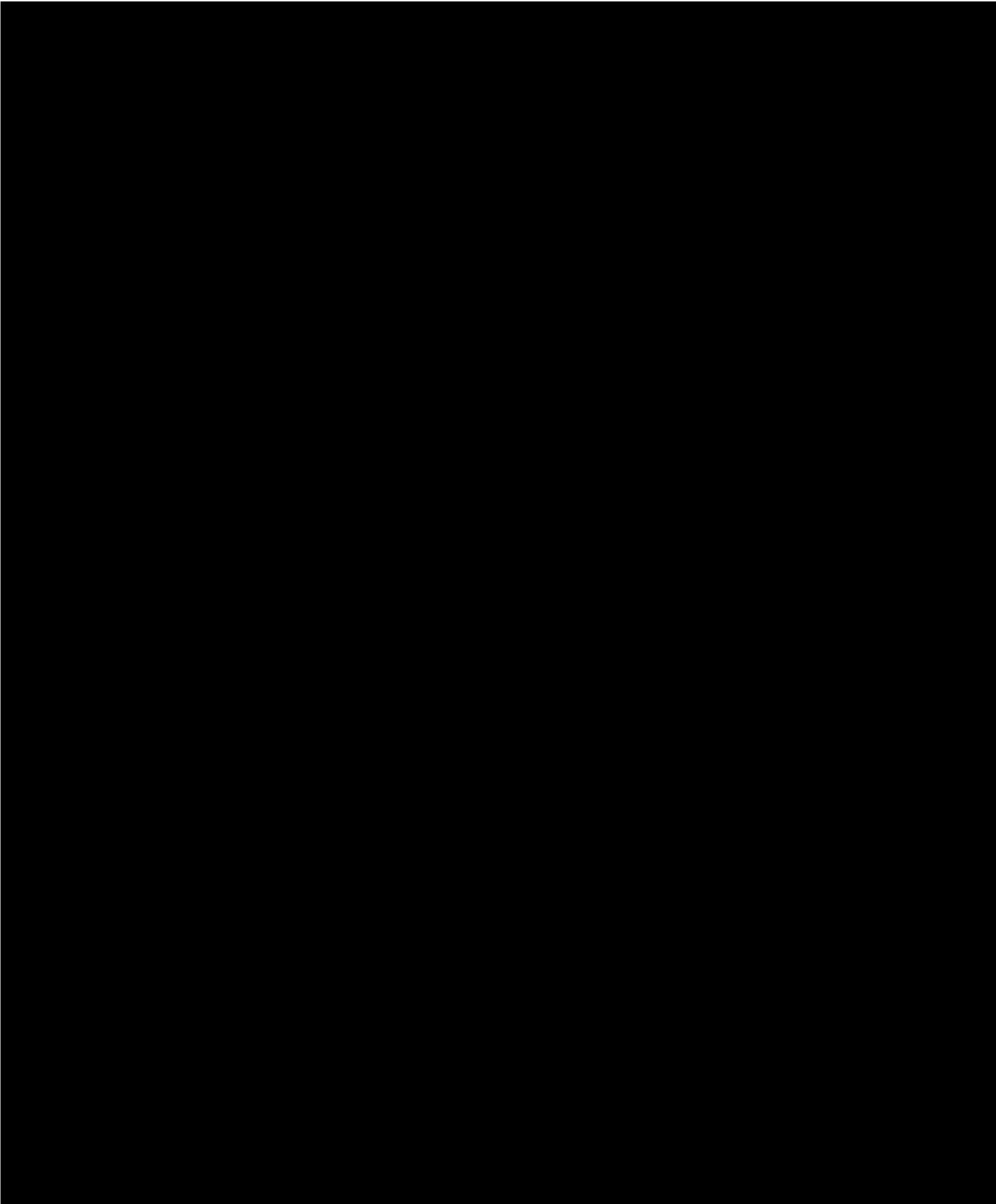


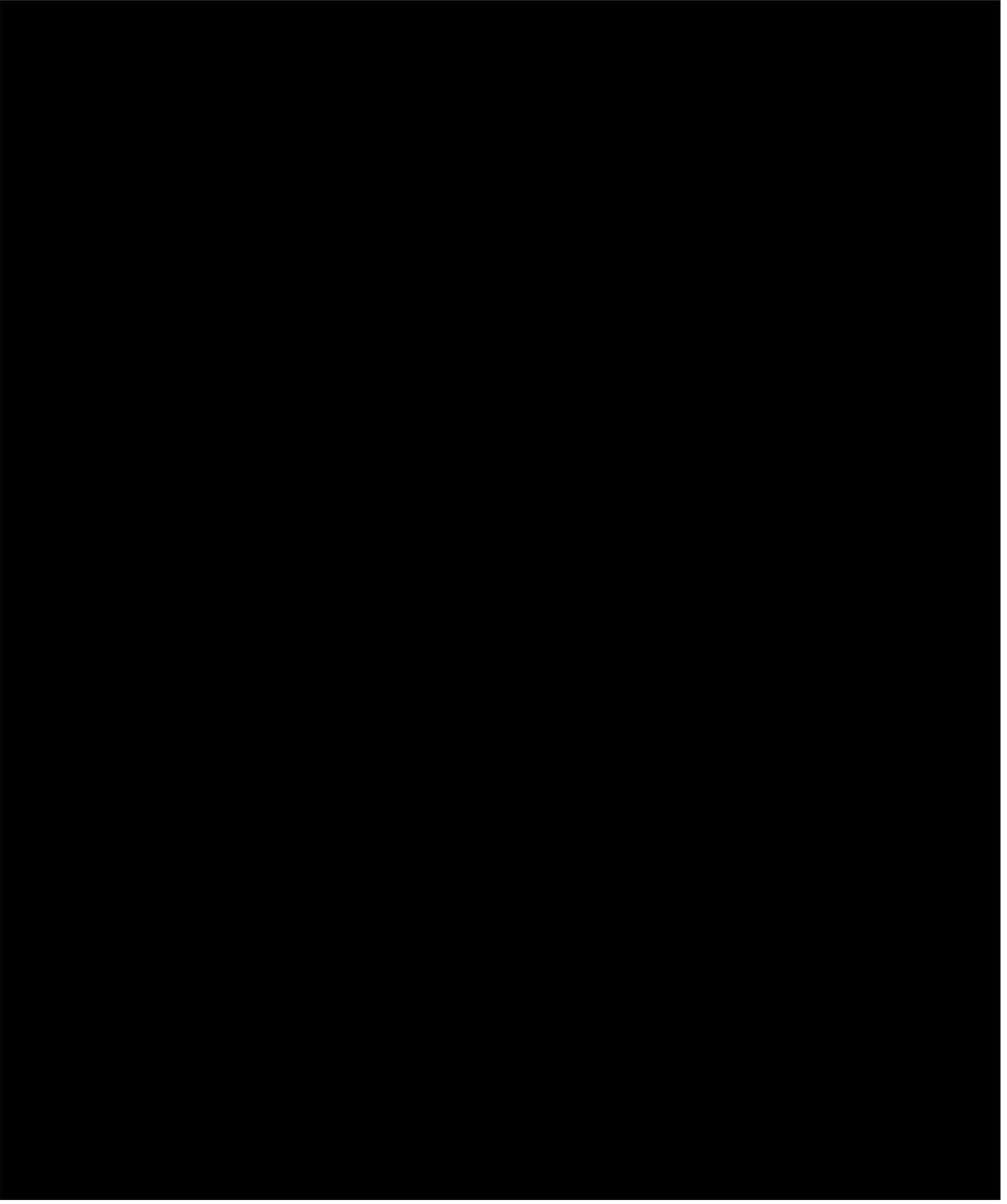


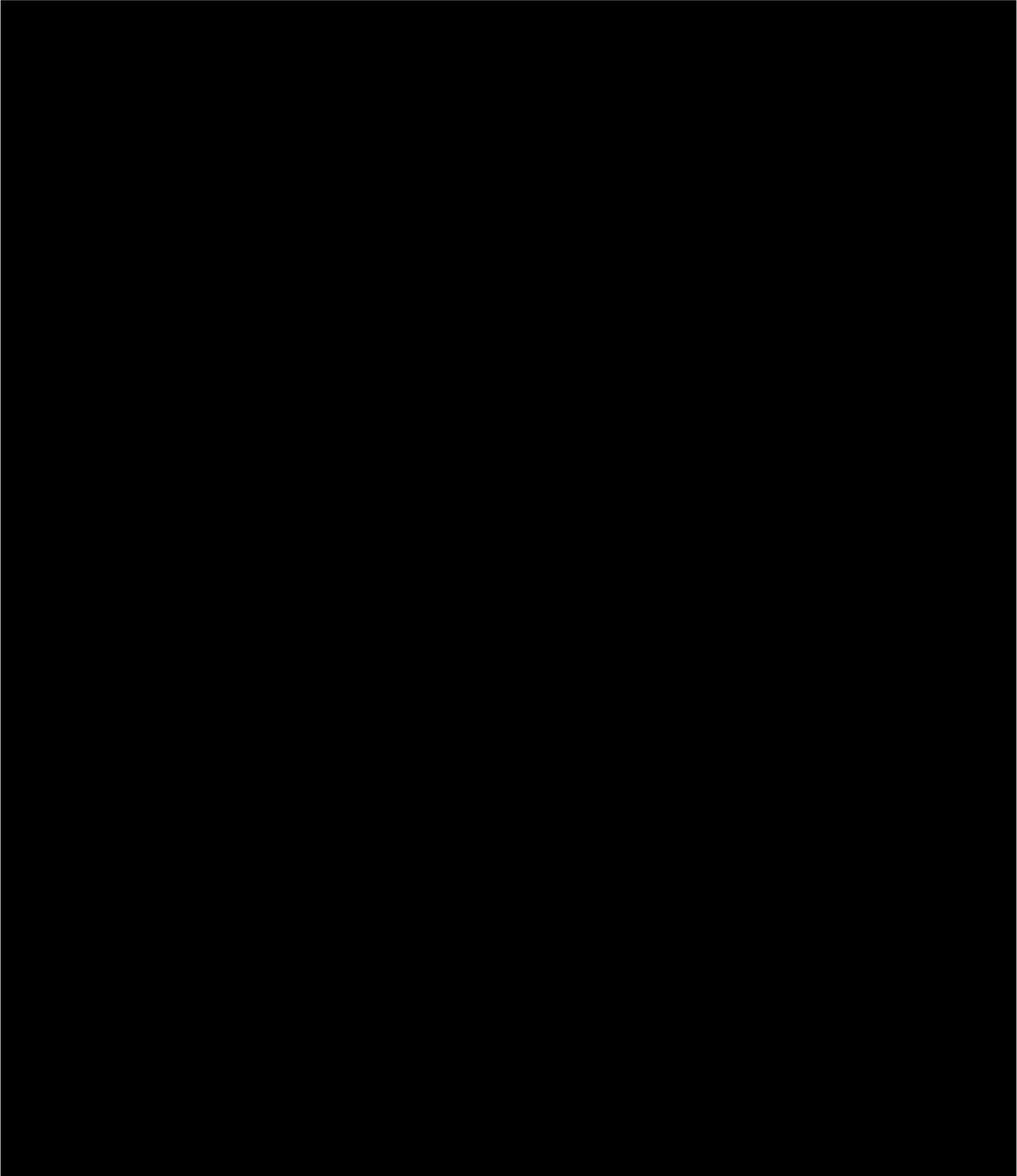


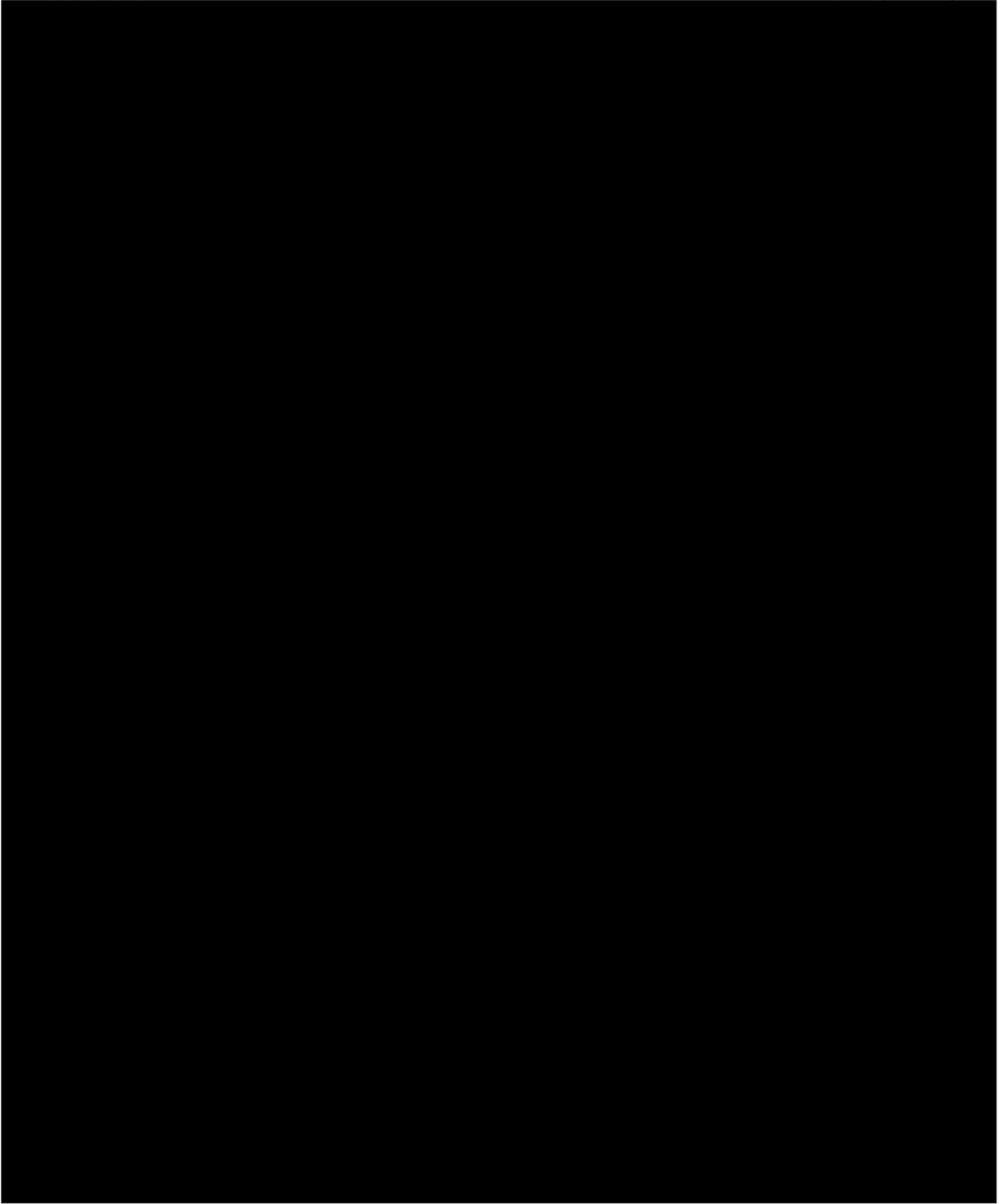


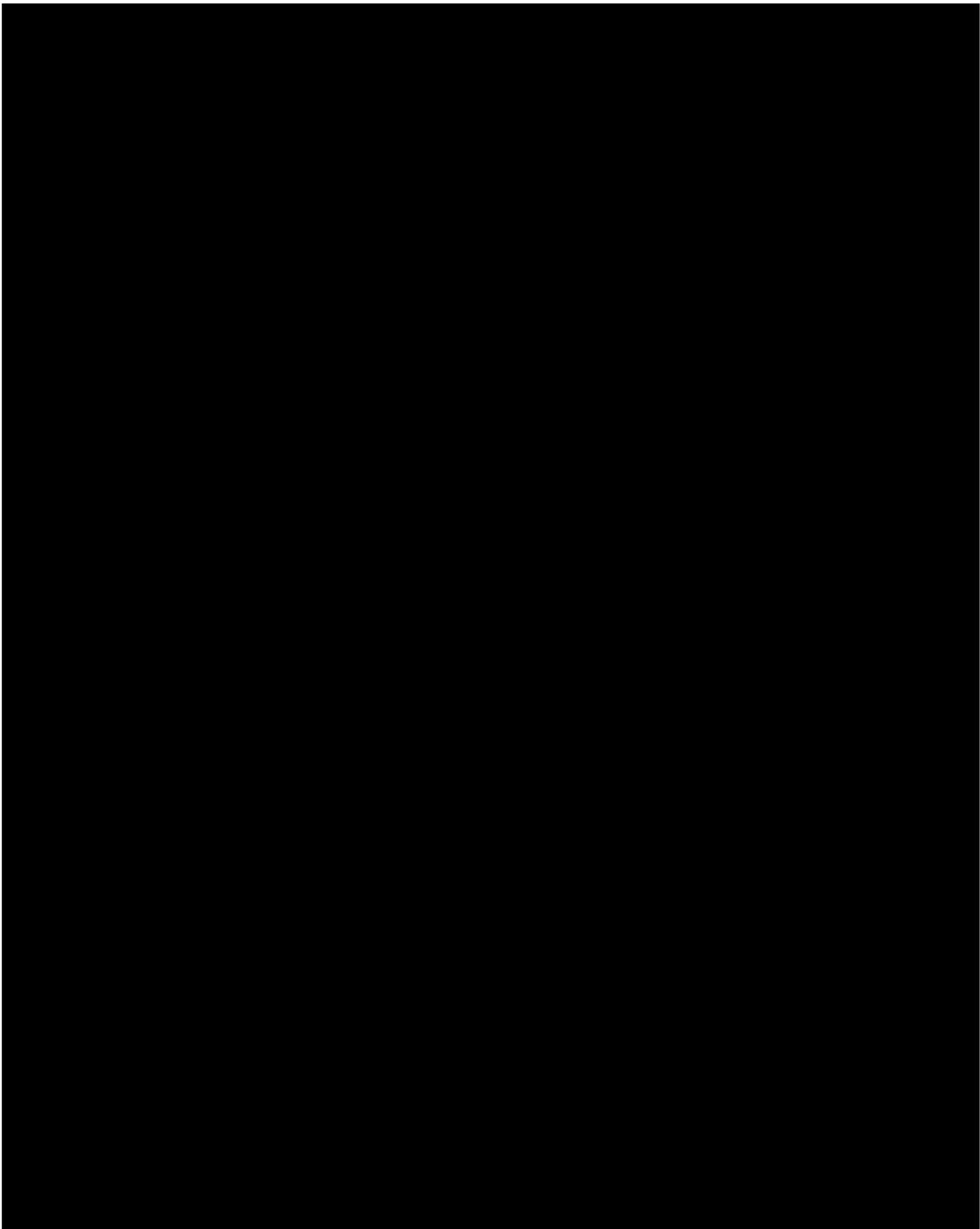


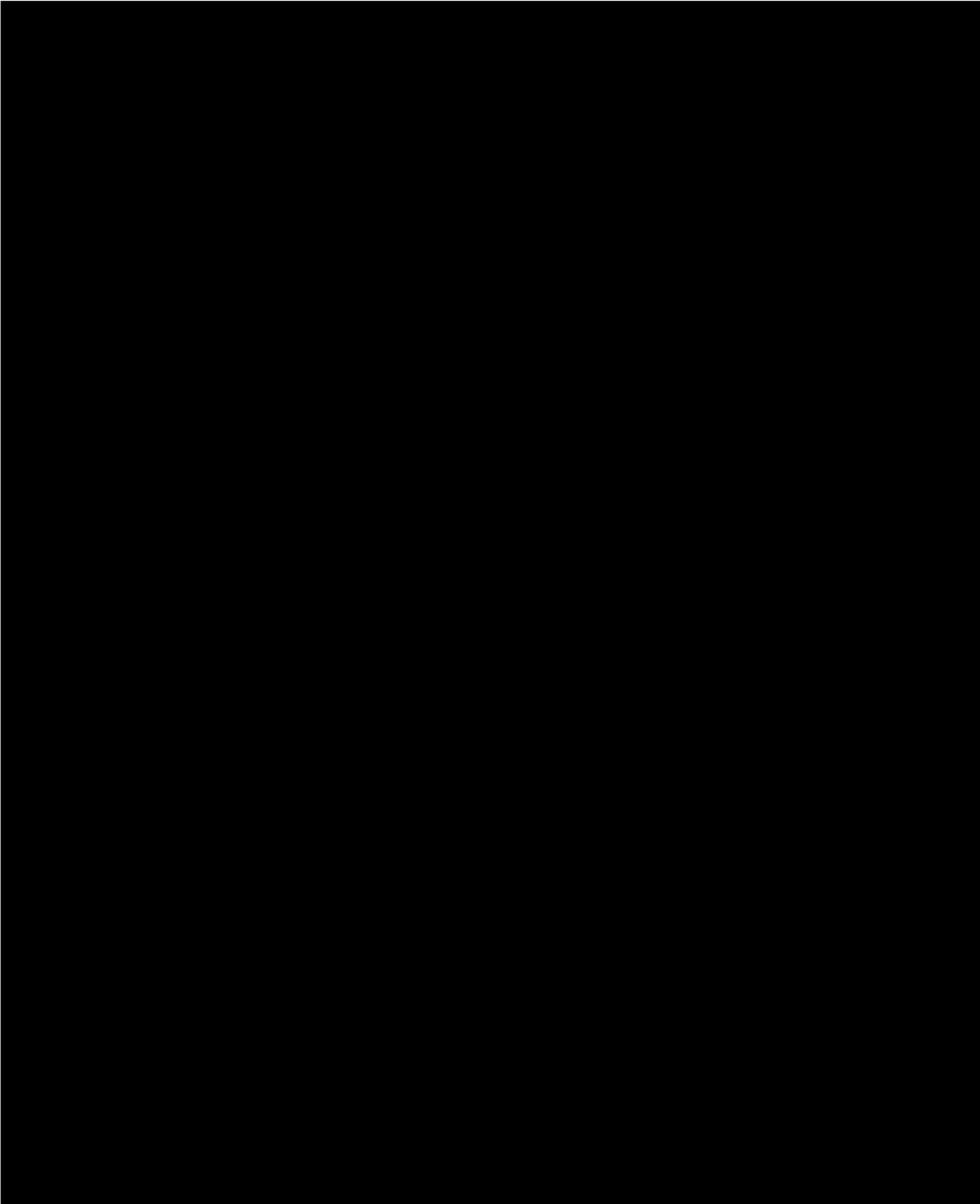


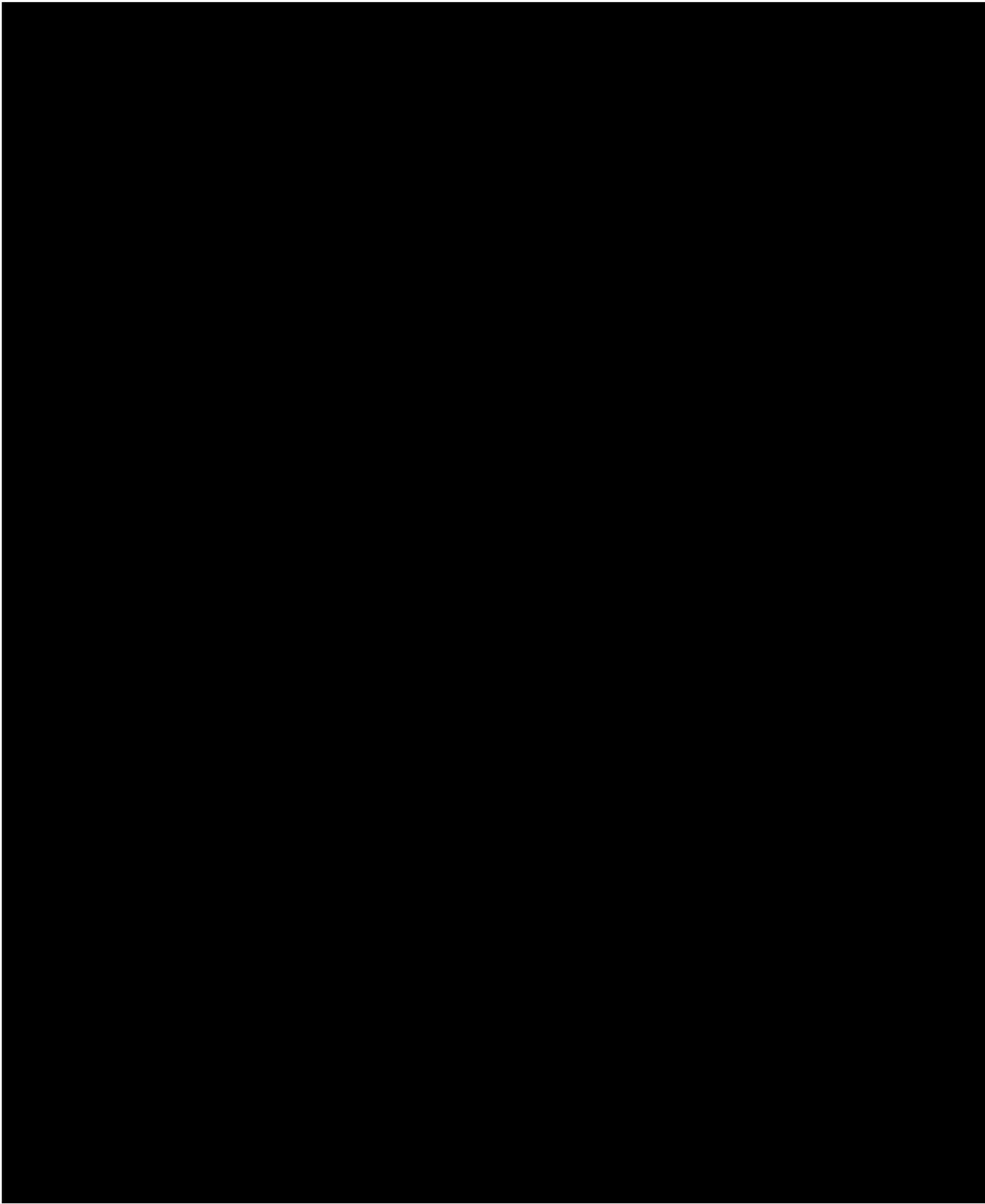


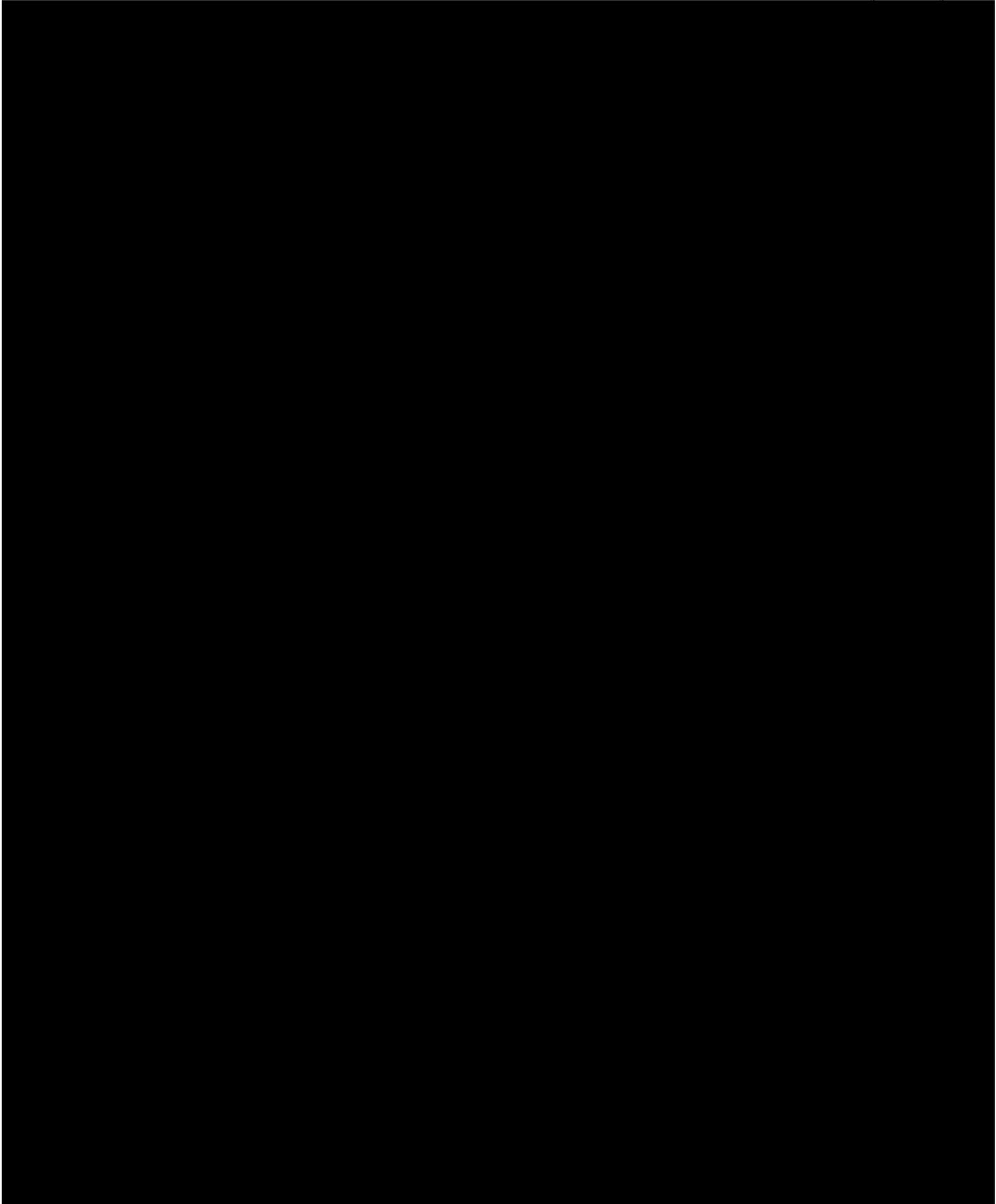


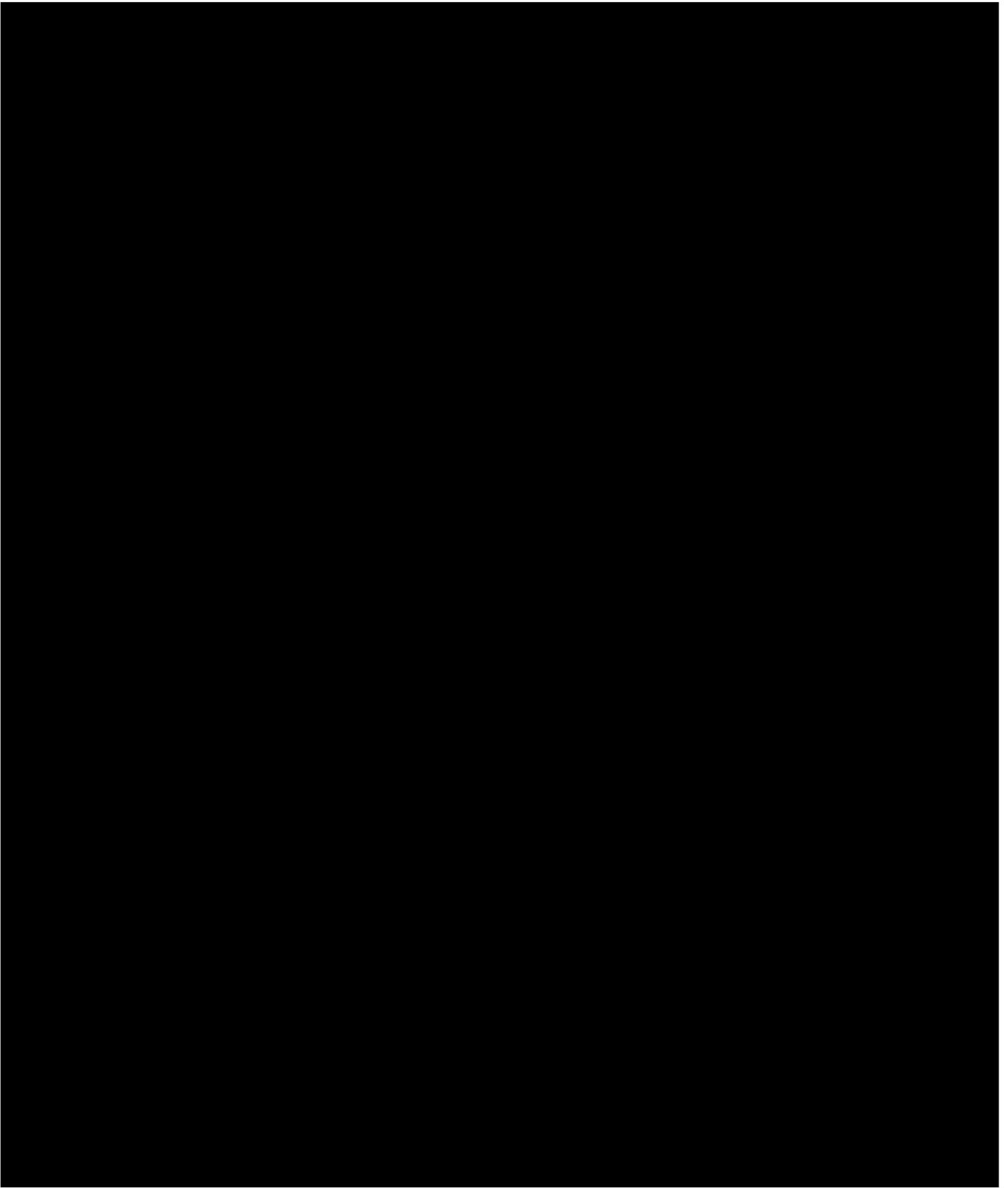


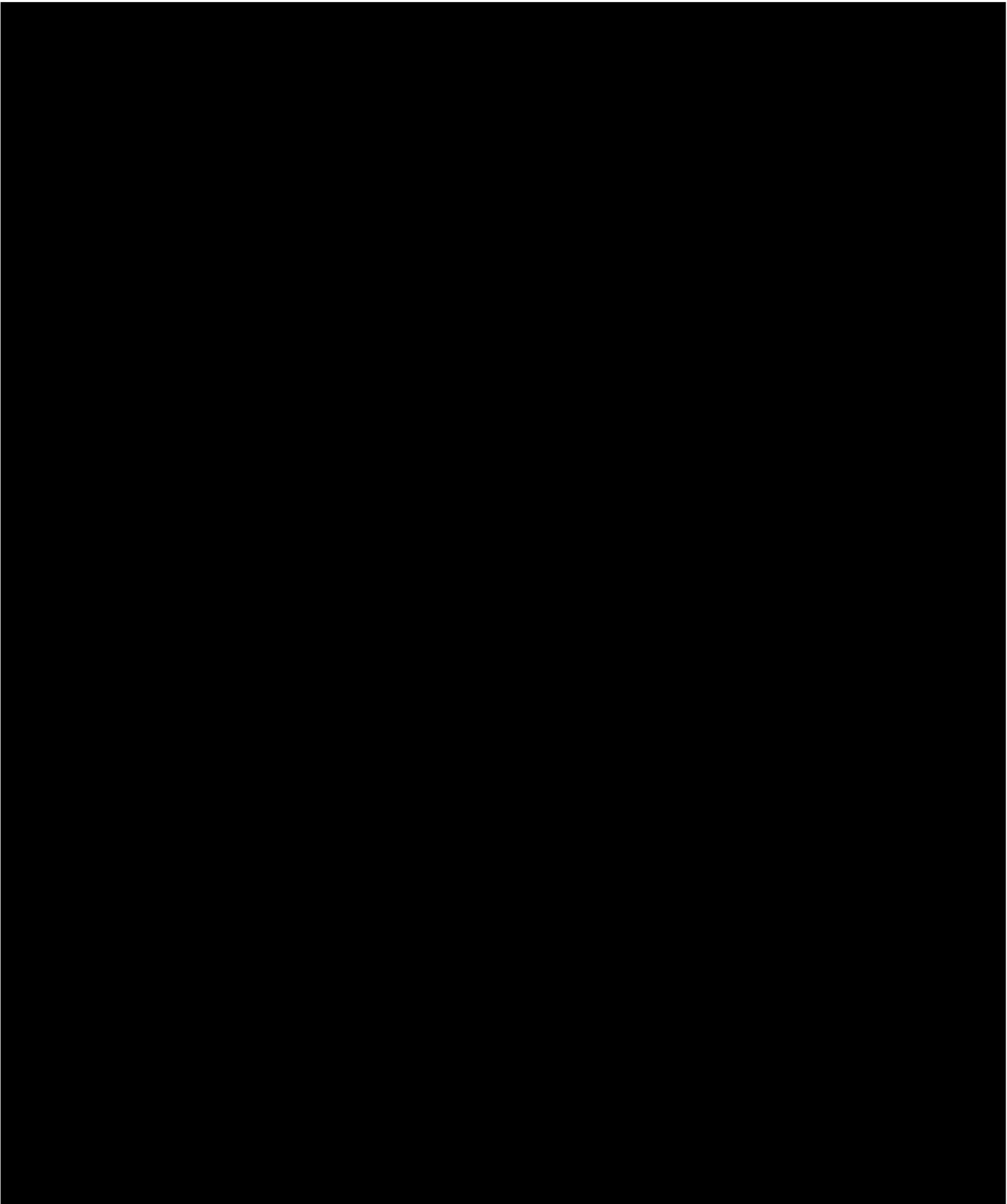


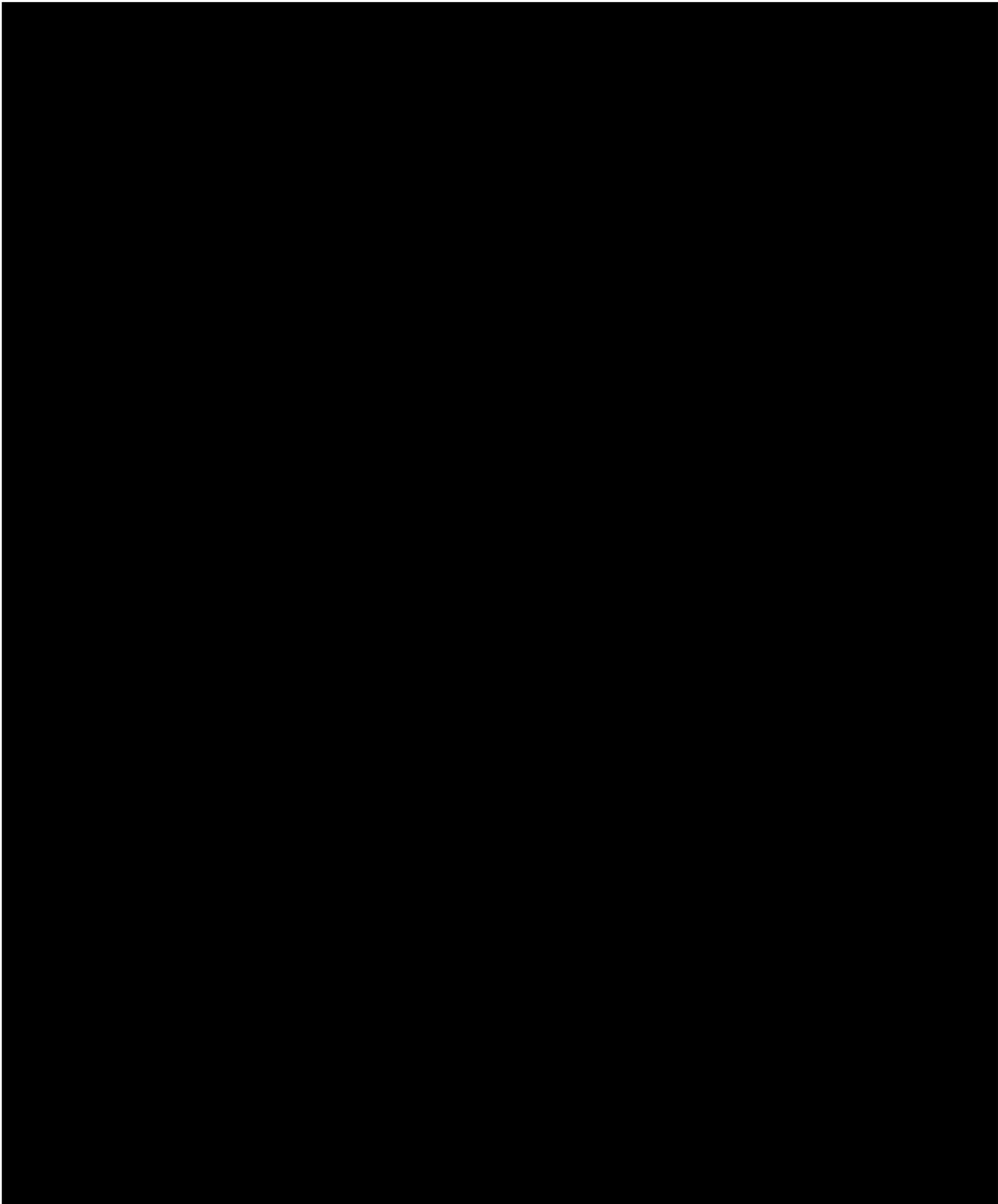


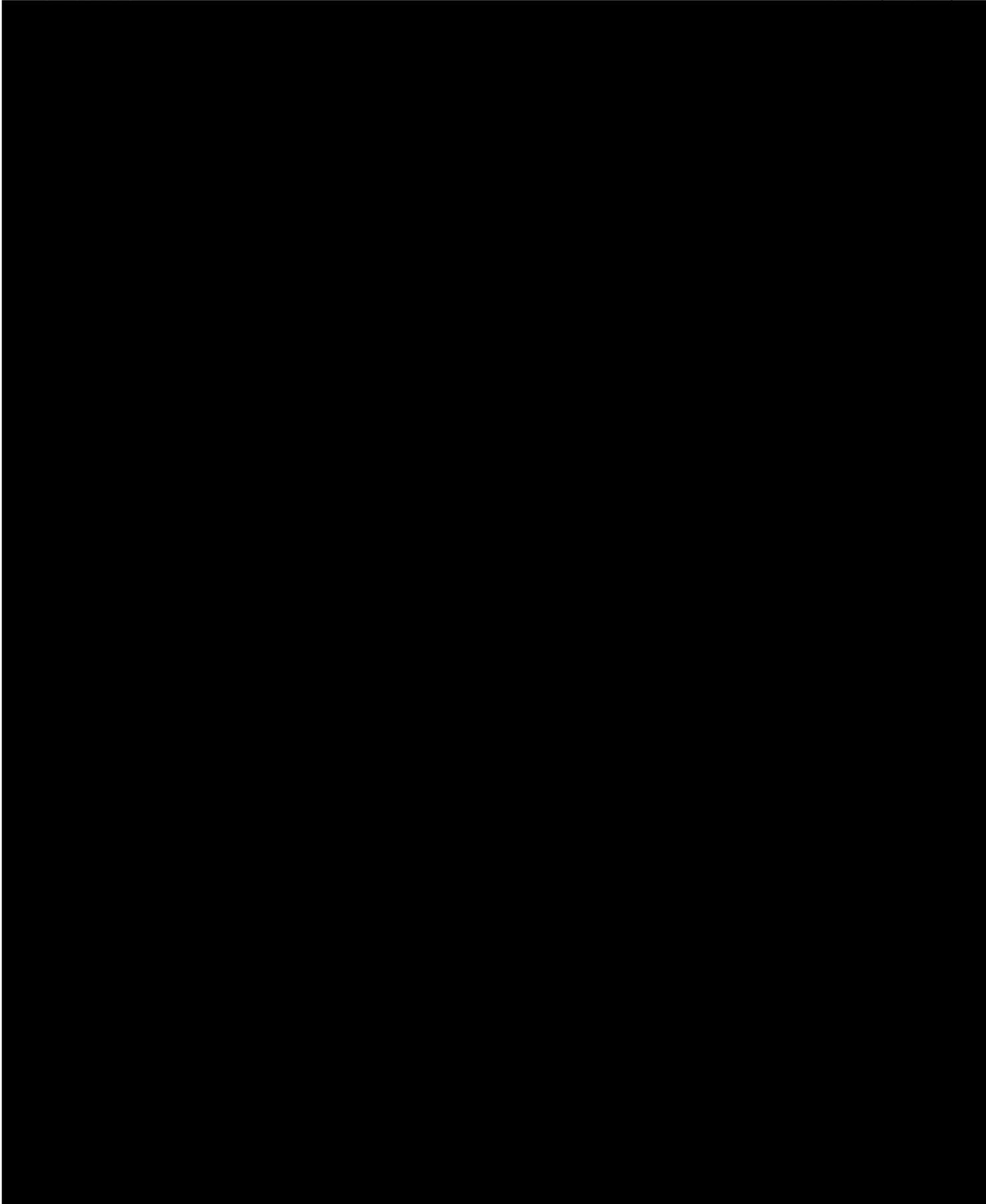


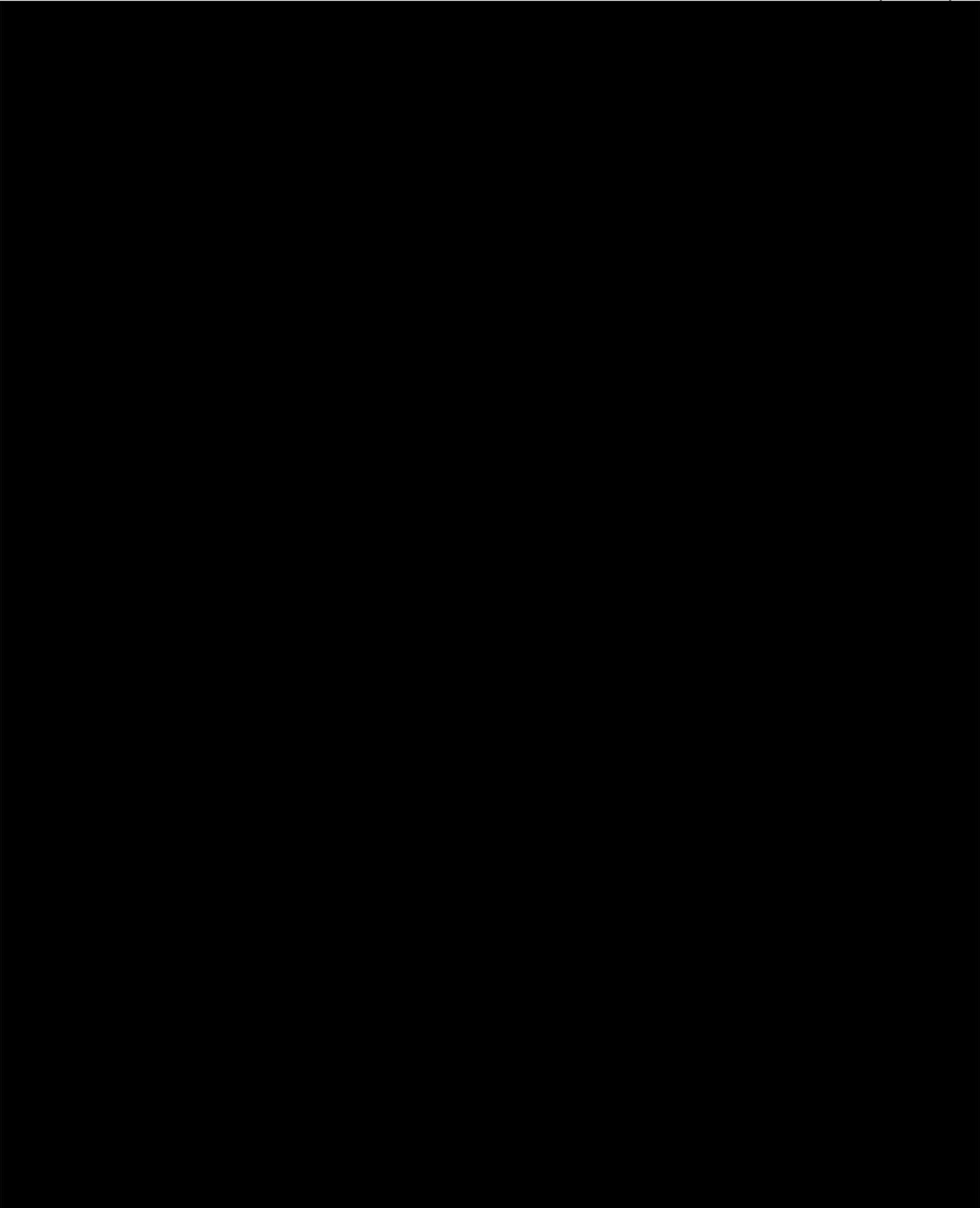


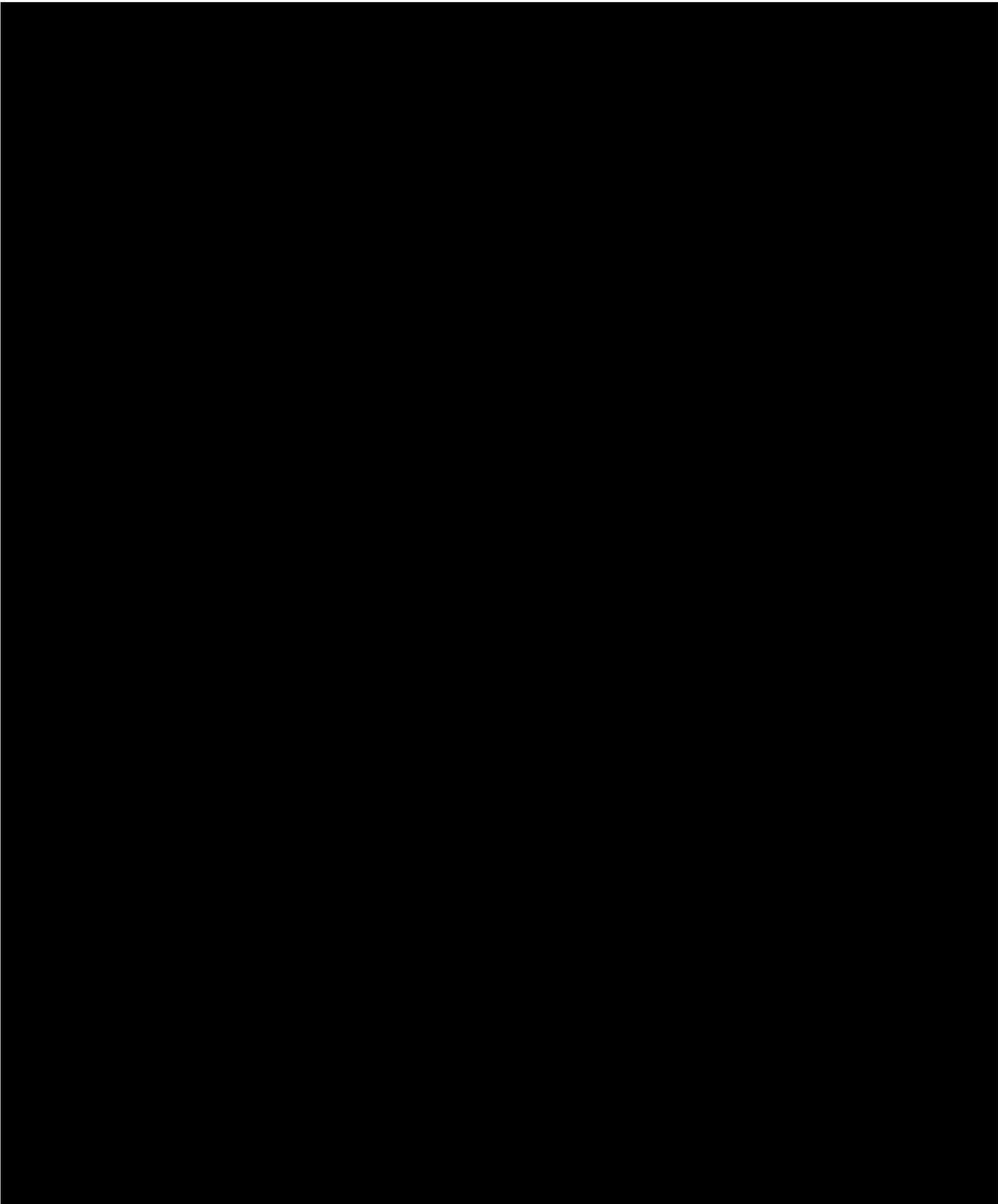


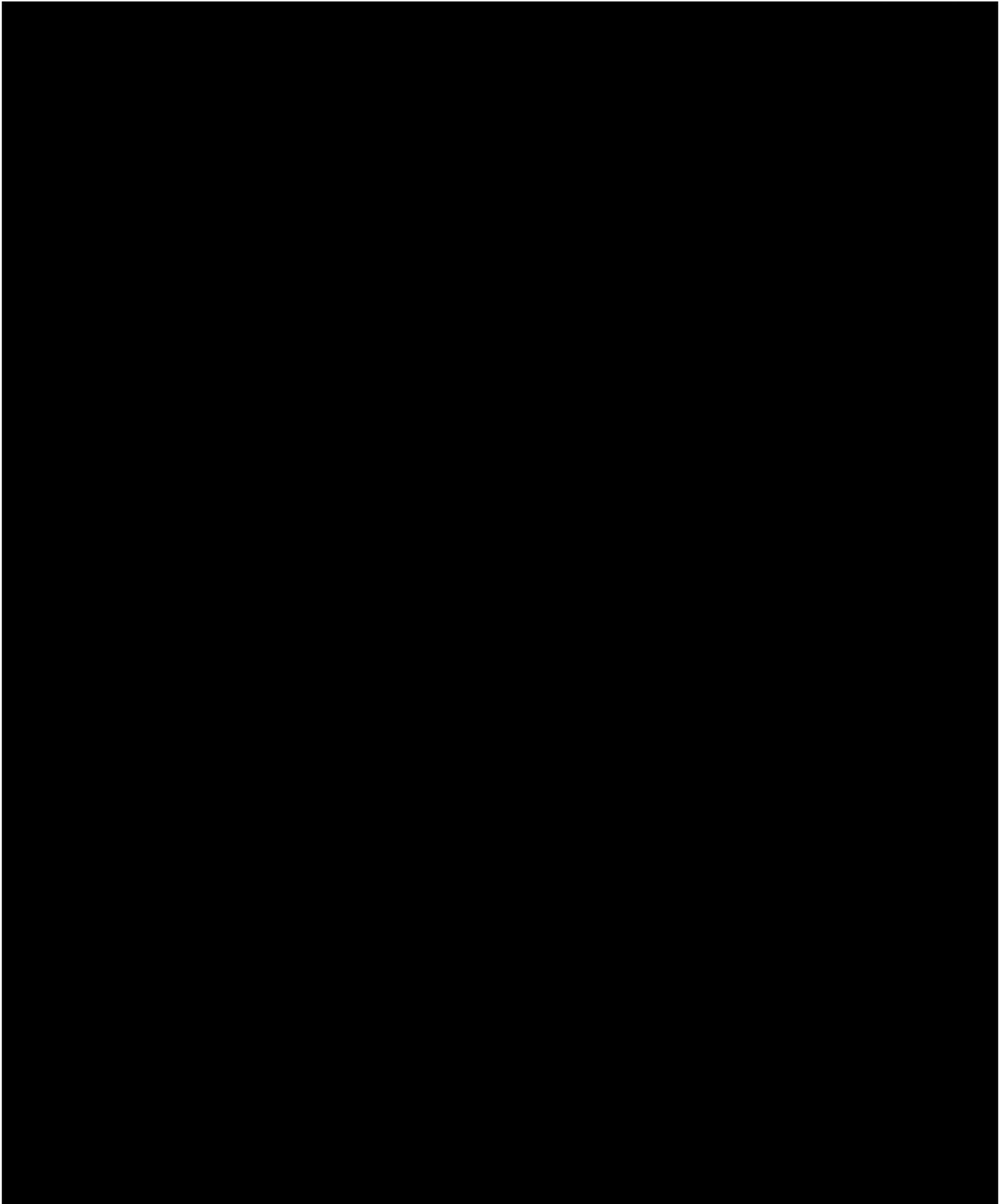


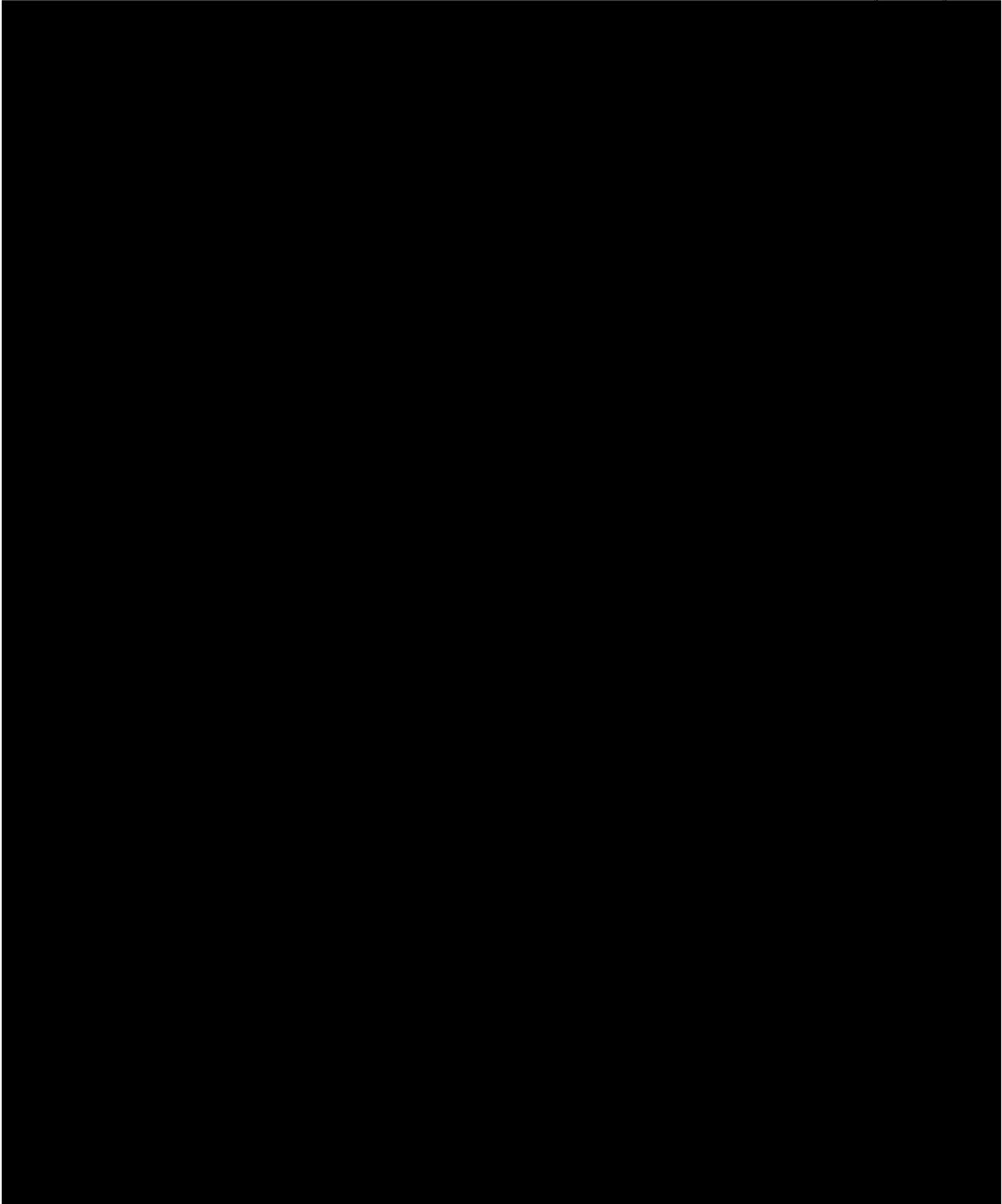


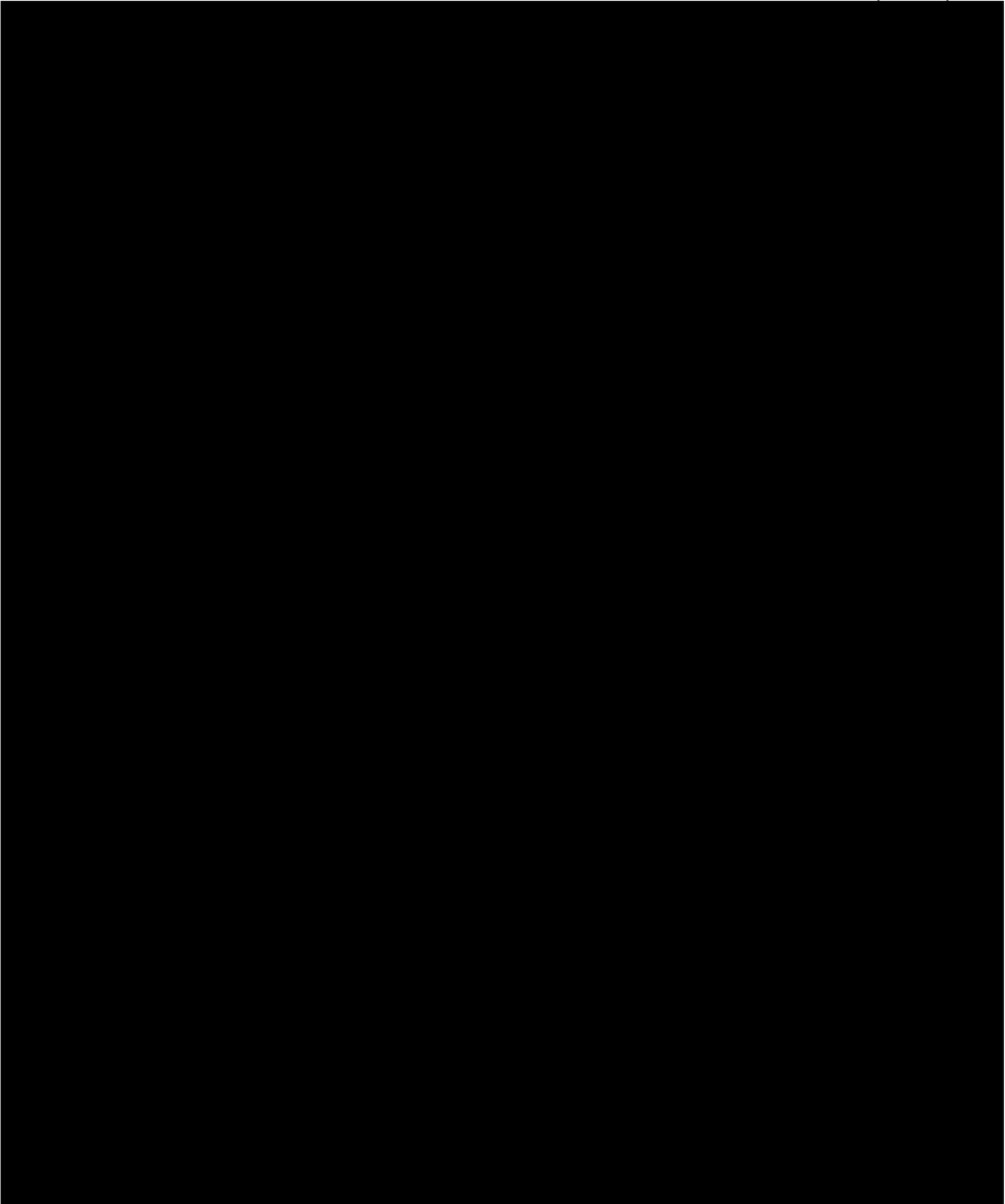


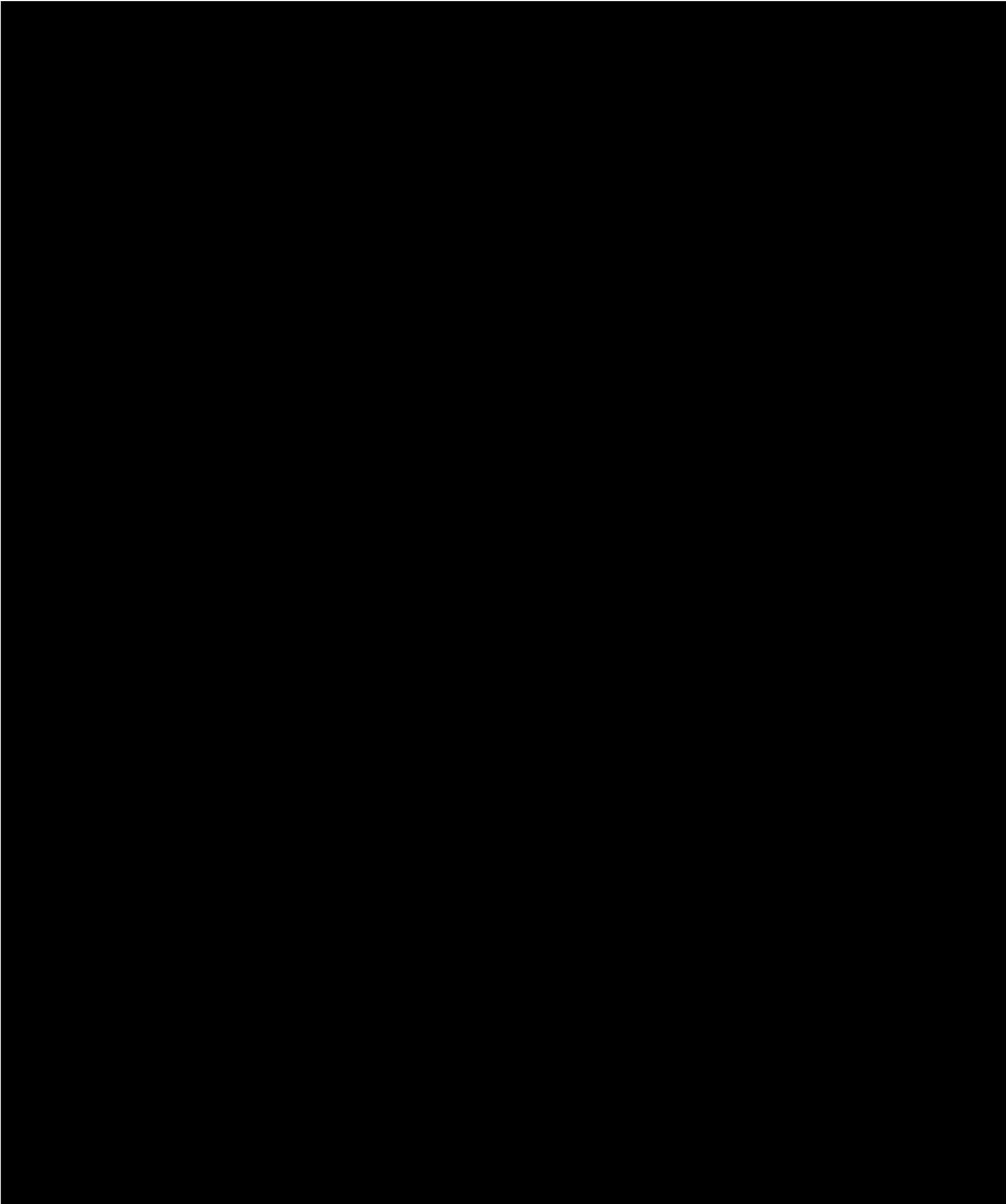


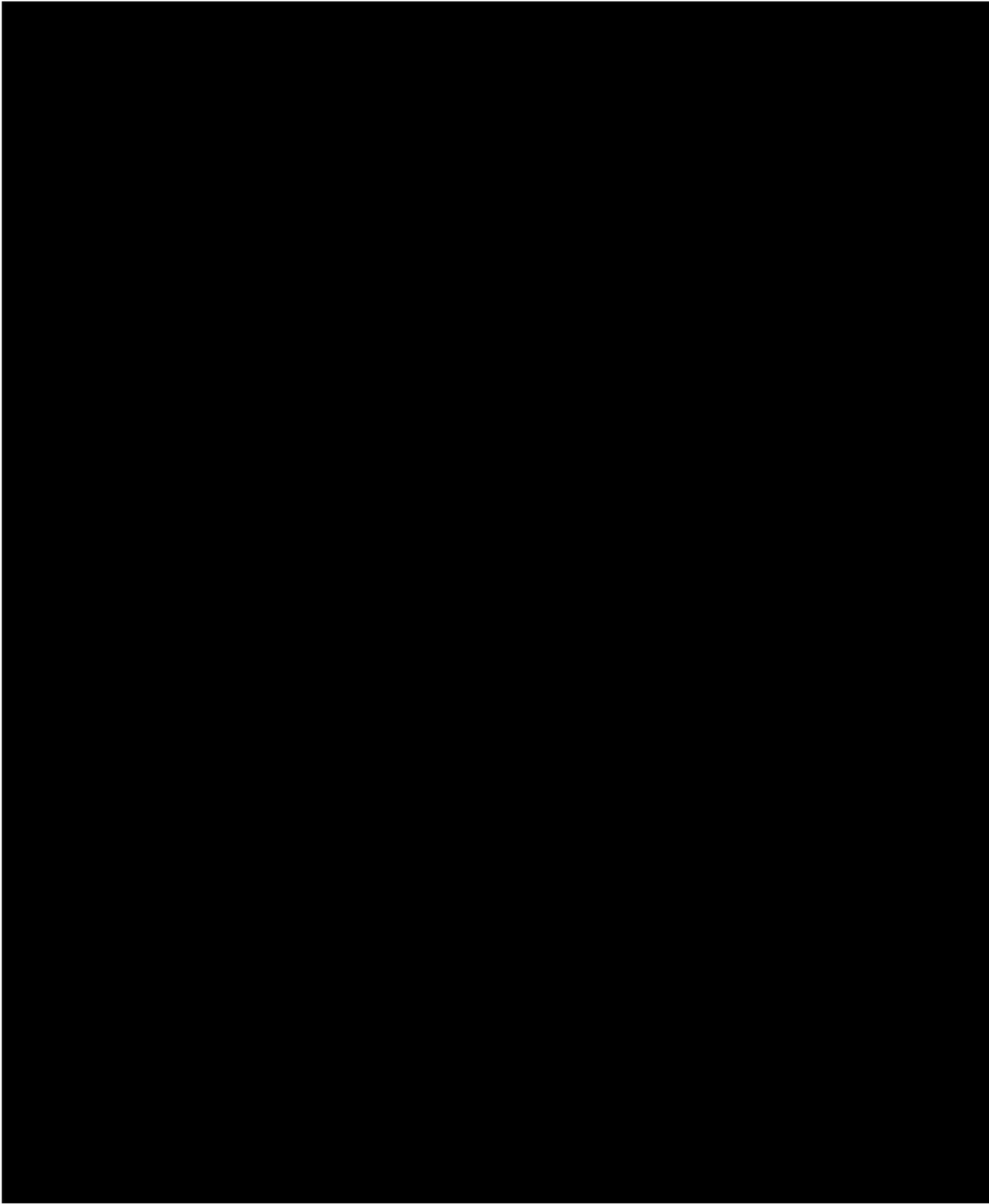


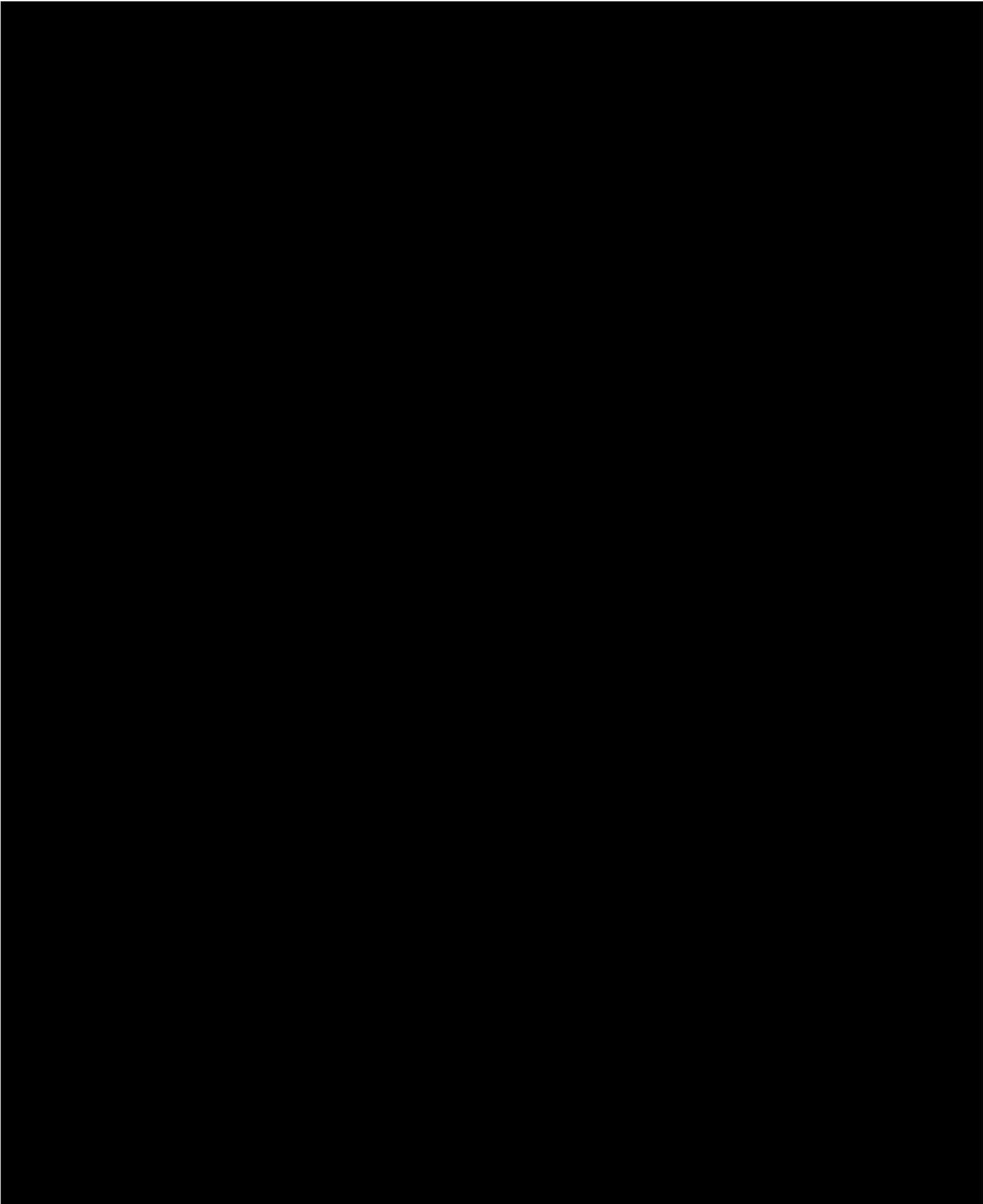


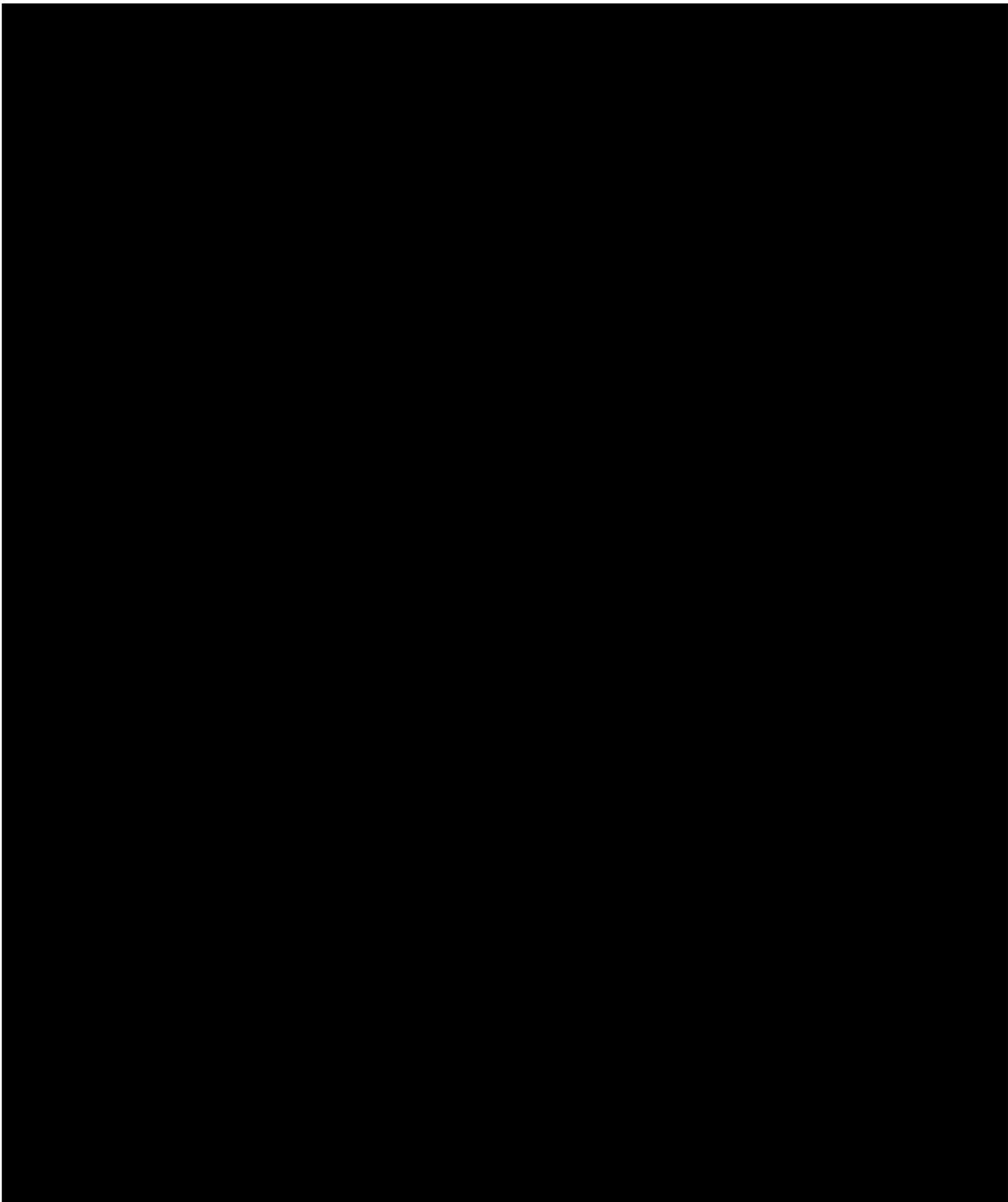


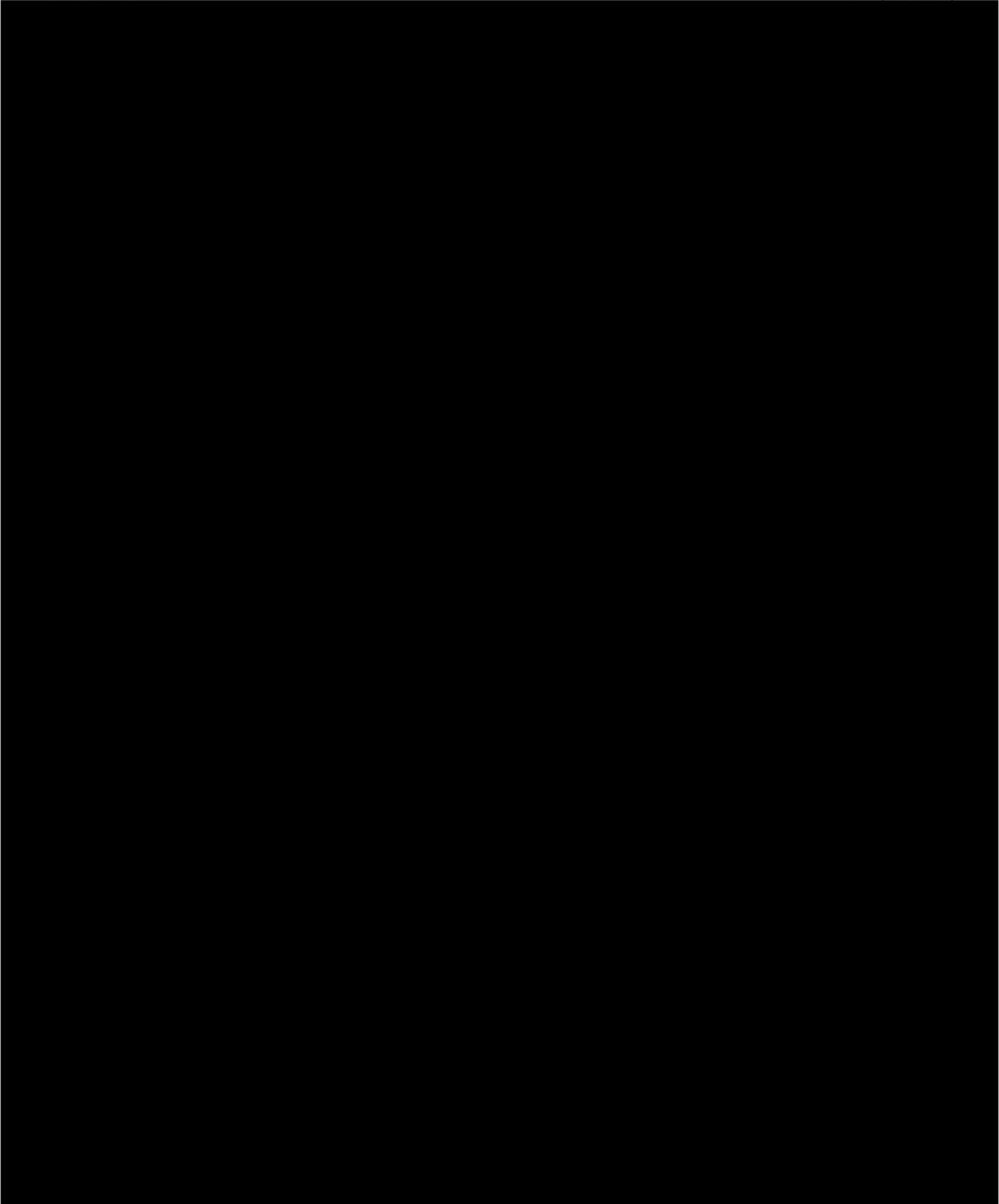


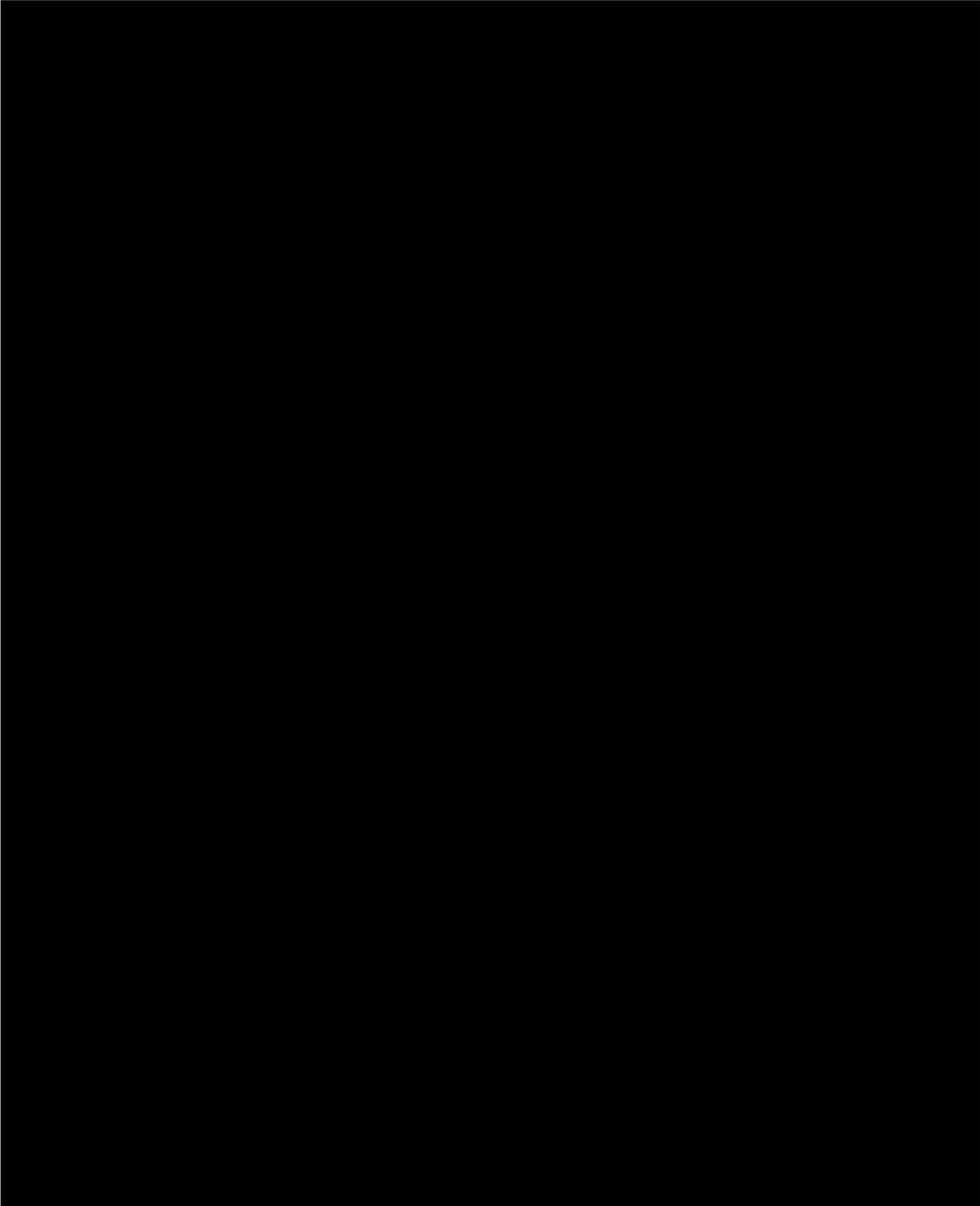


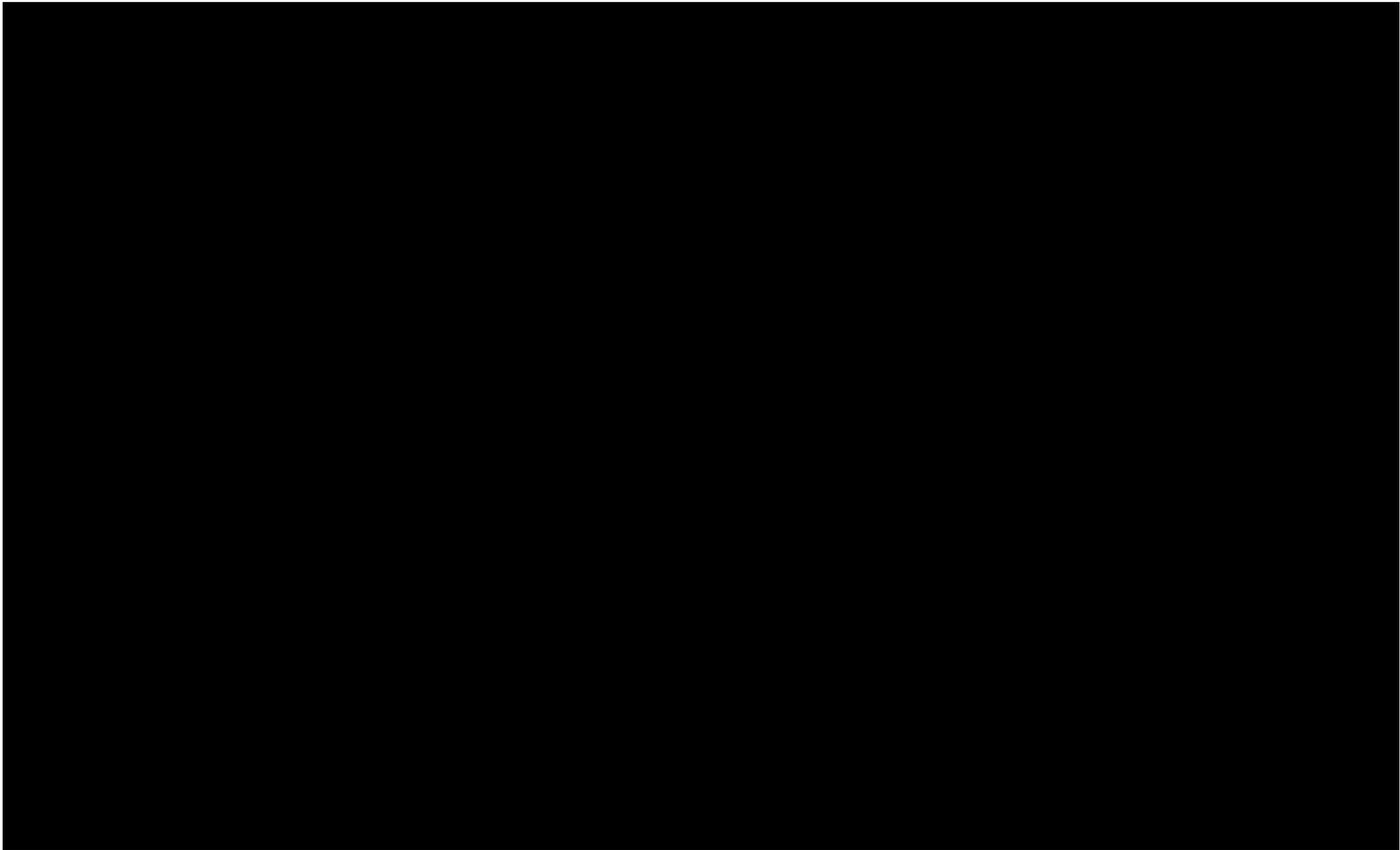






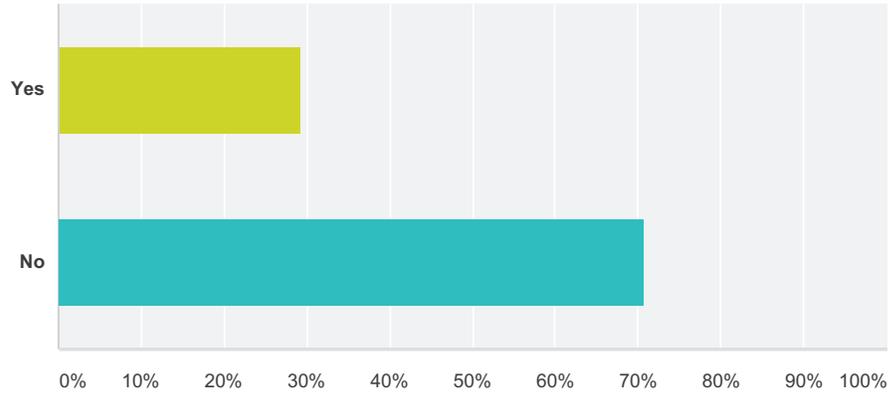




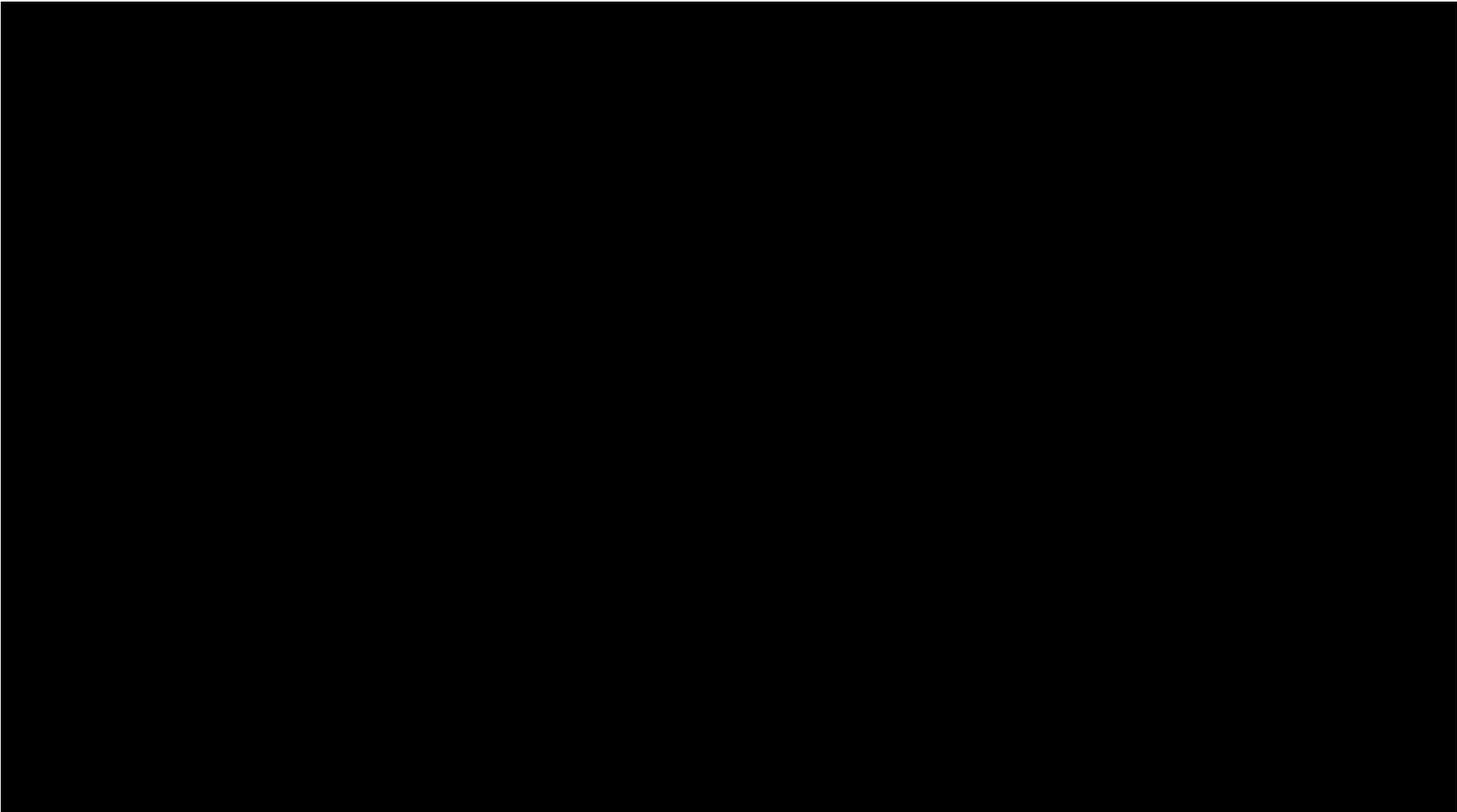


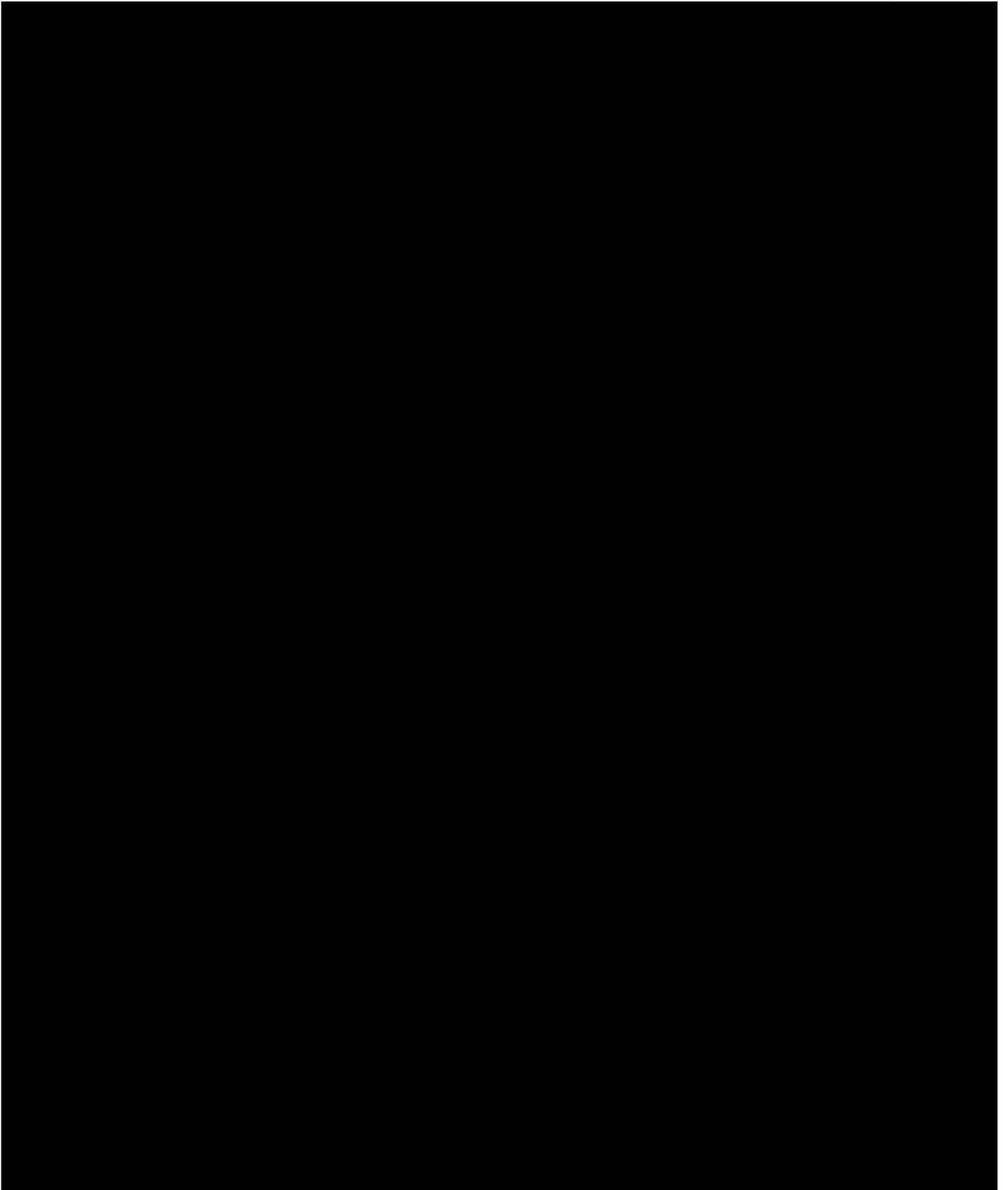
Q20 Are you familiar with any other organization's philanthropy effort that might compete with OutServe-SLDN for donors?

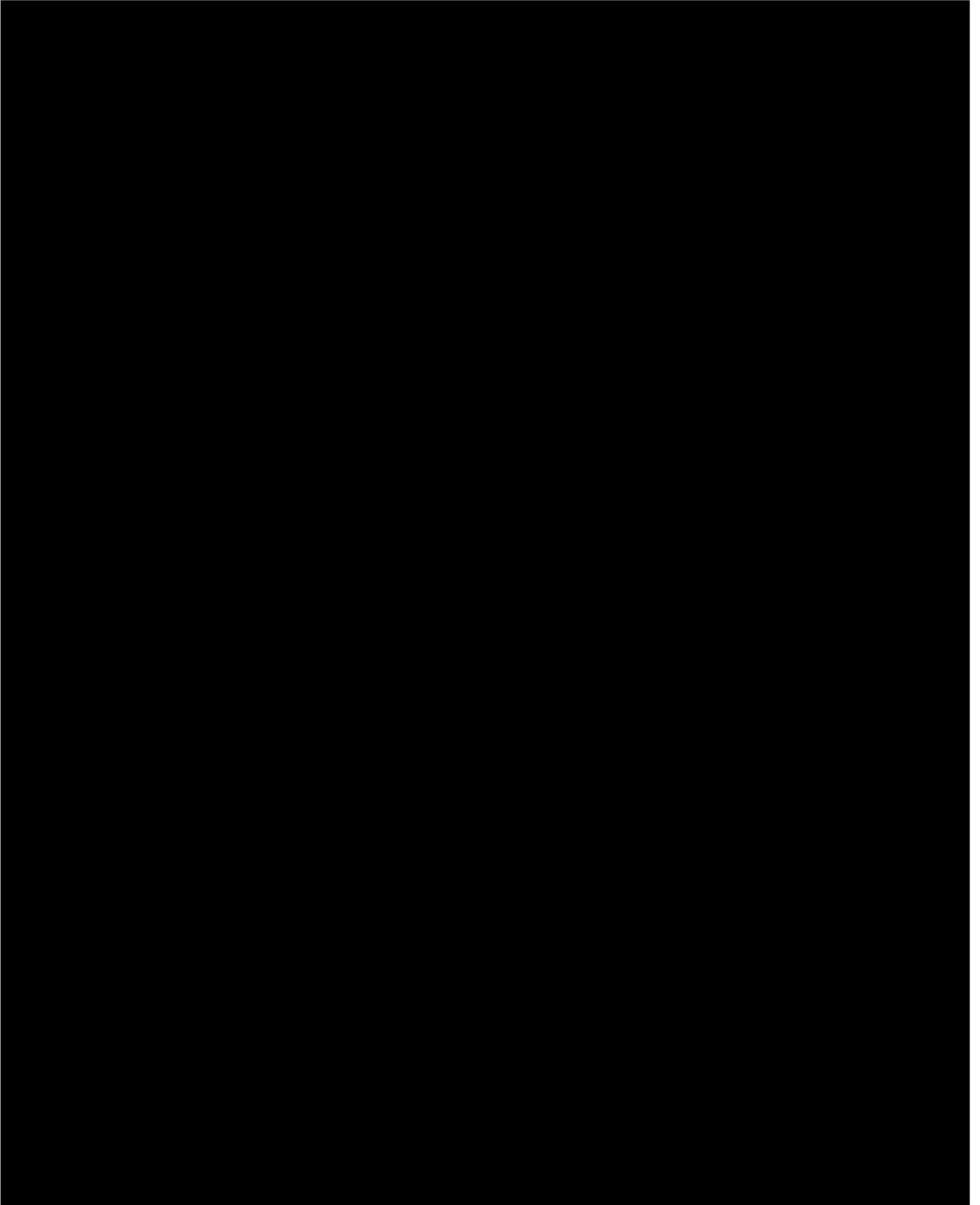
Answered: 1,526 Skipped: 546

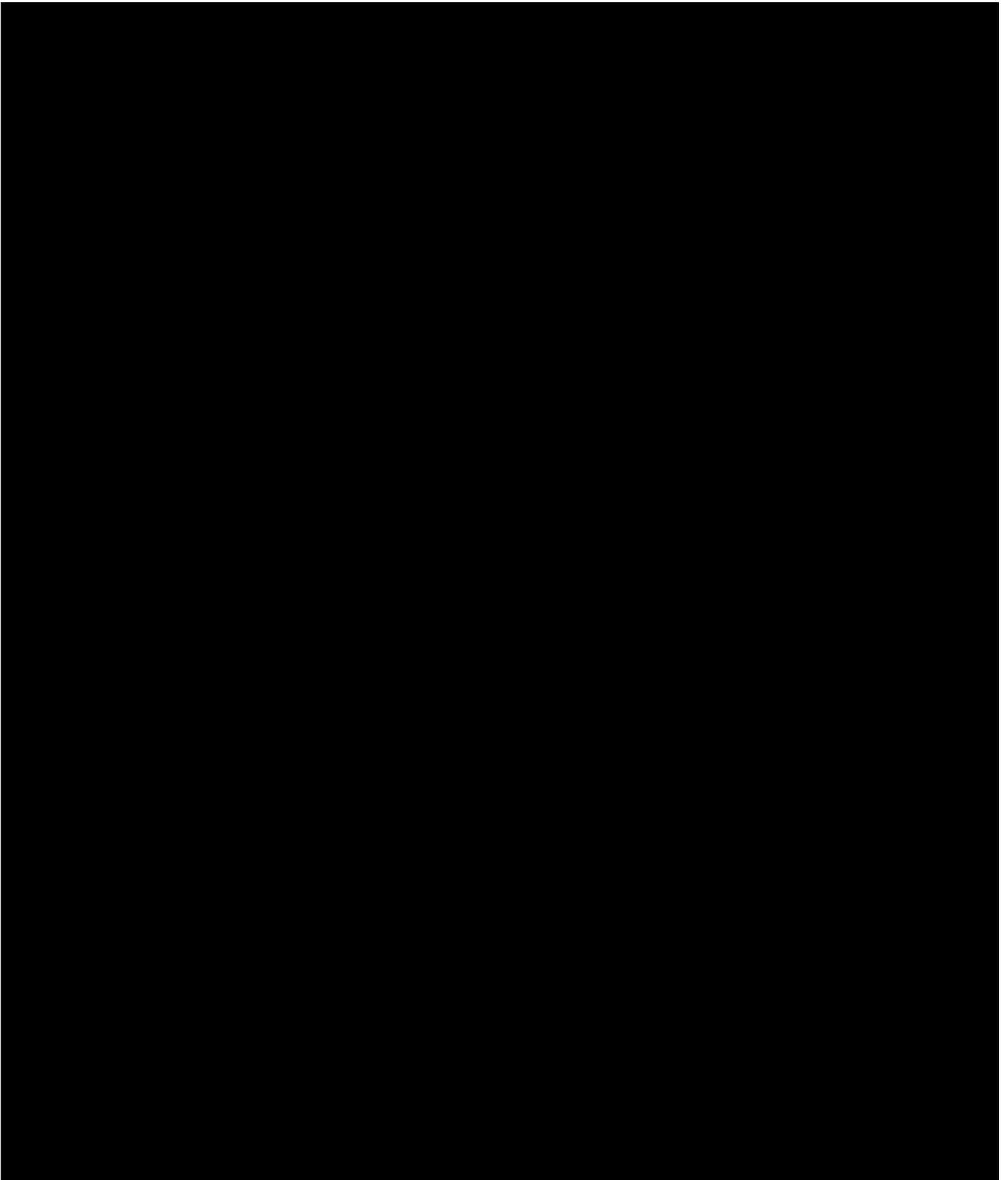


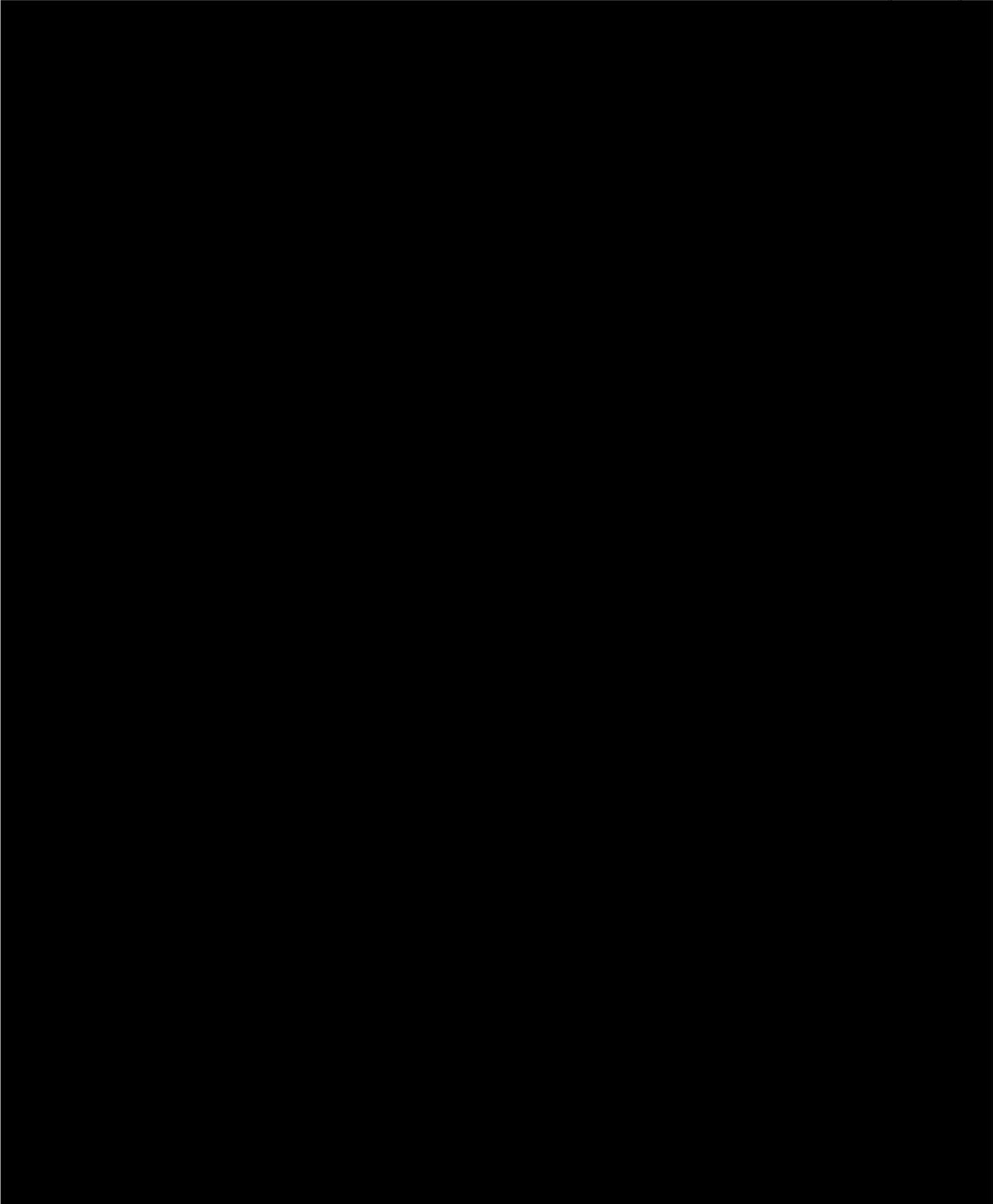
Answer Choices	Responses
Yes	29.29% 447
No	70.71% 1,079
Total	1,526

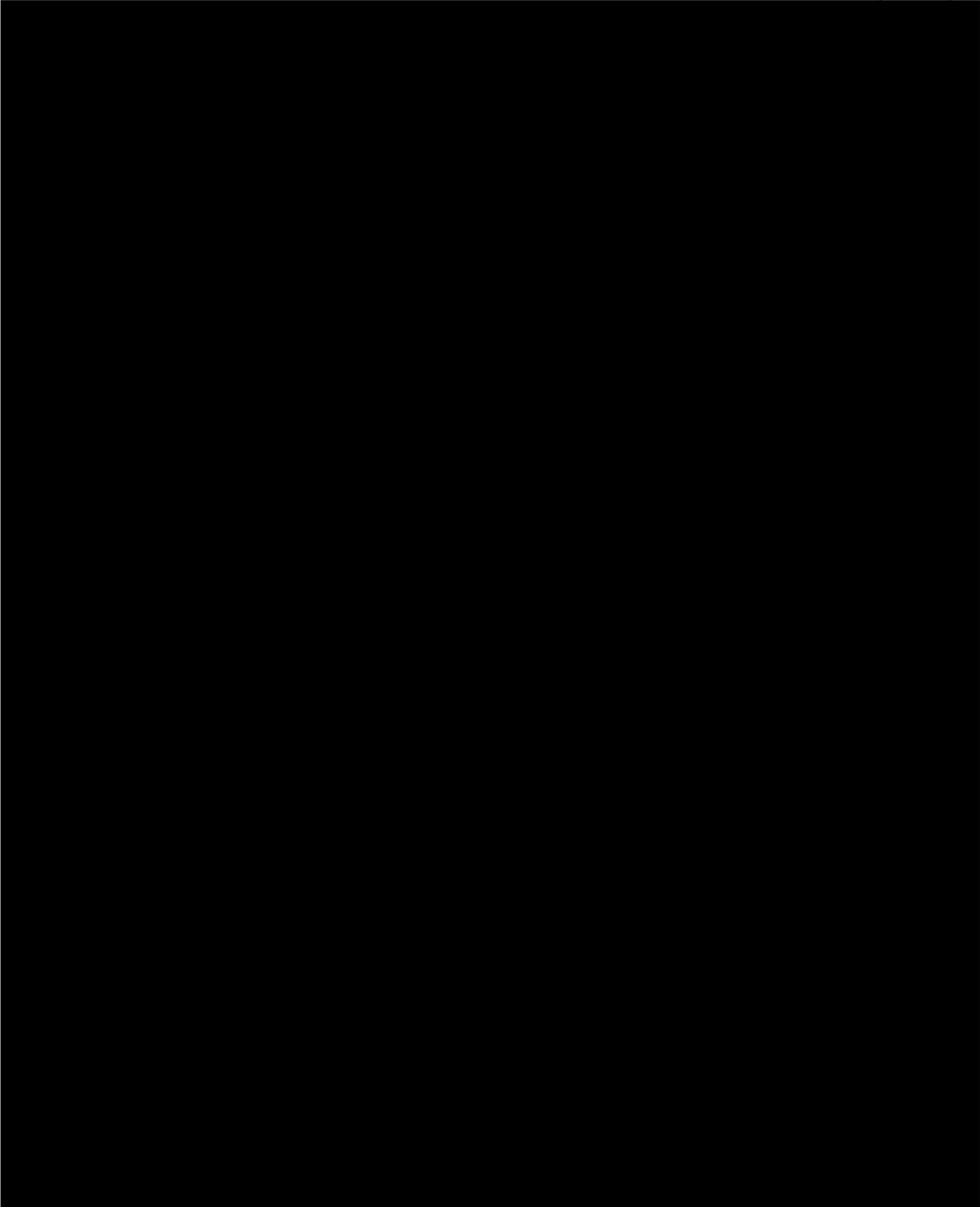


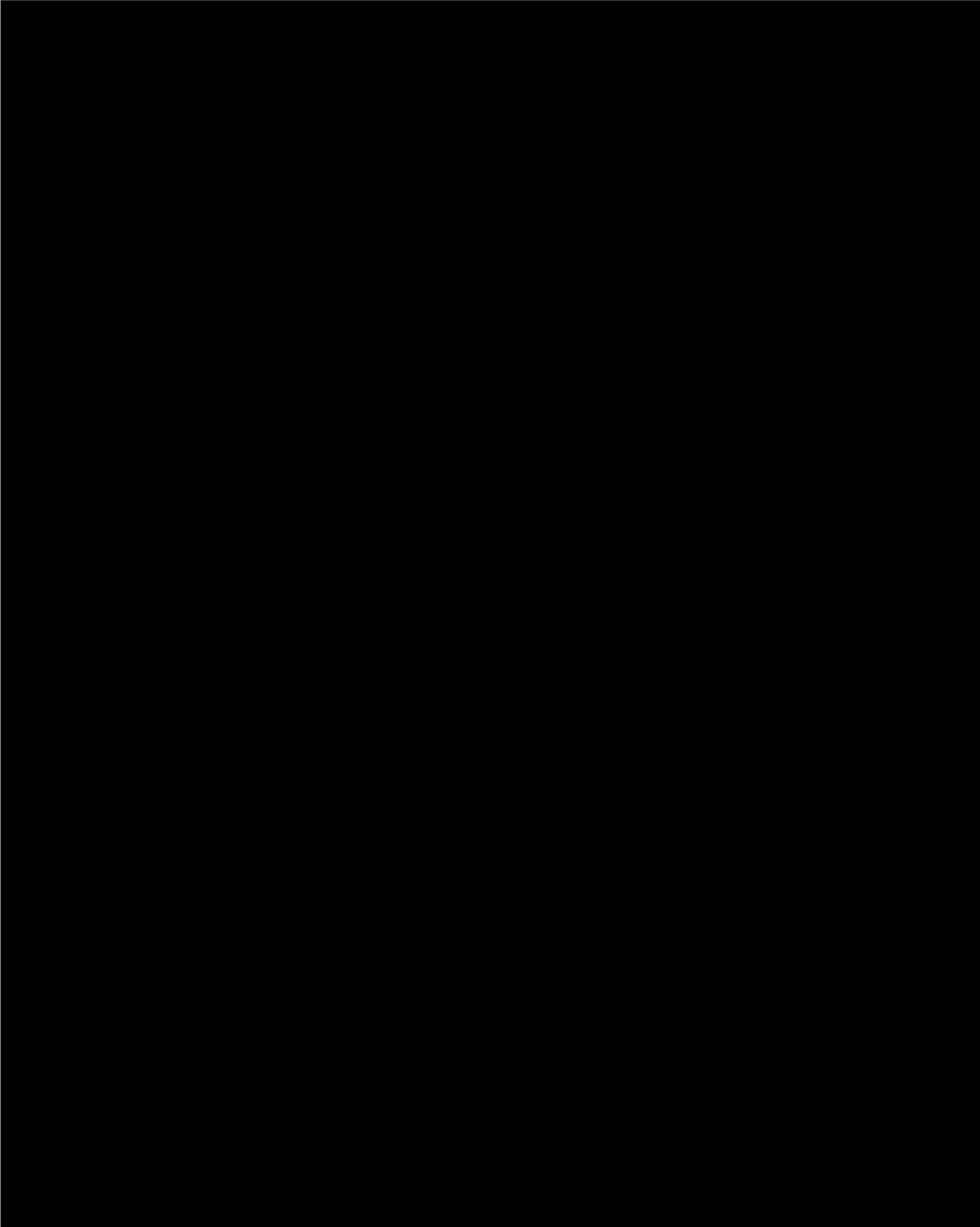


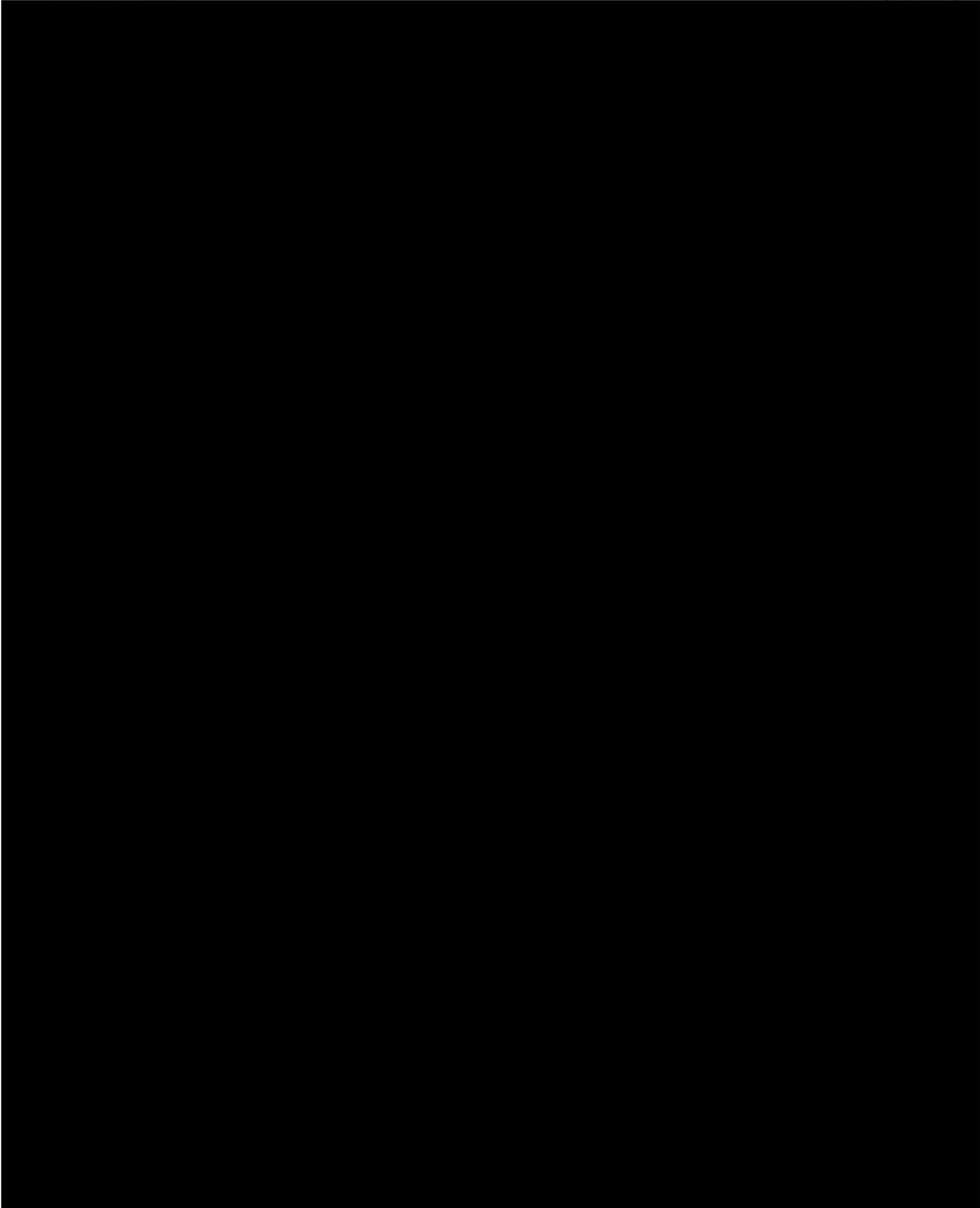


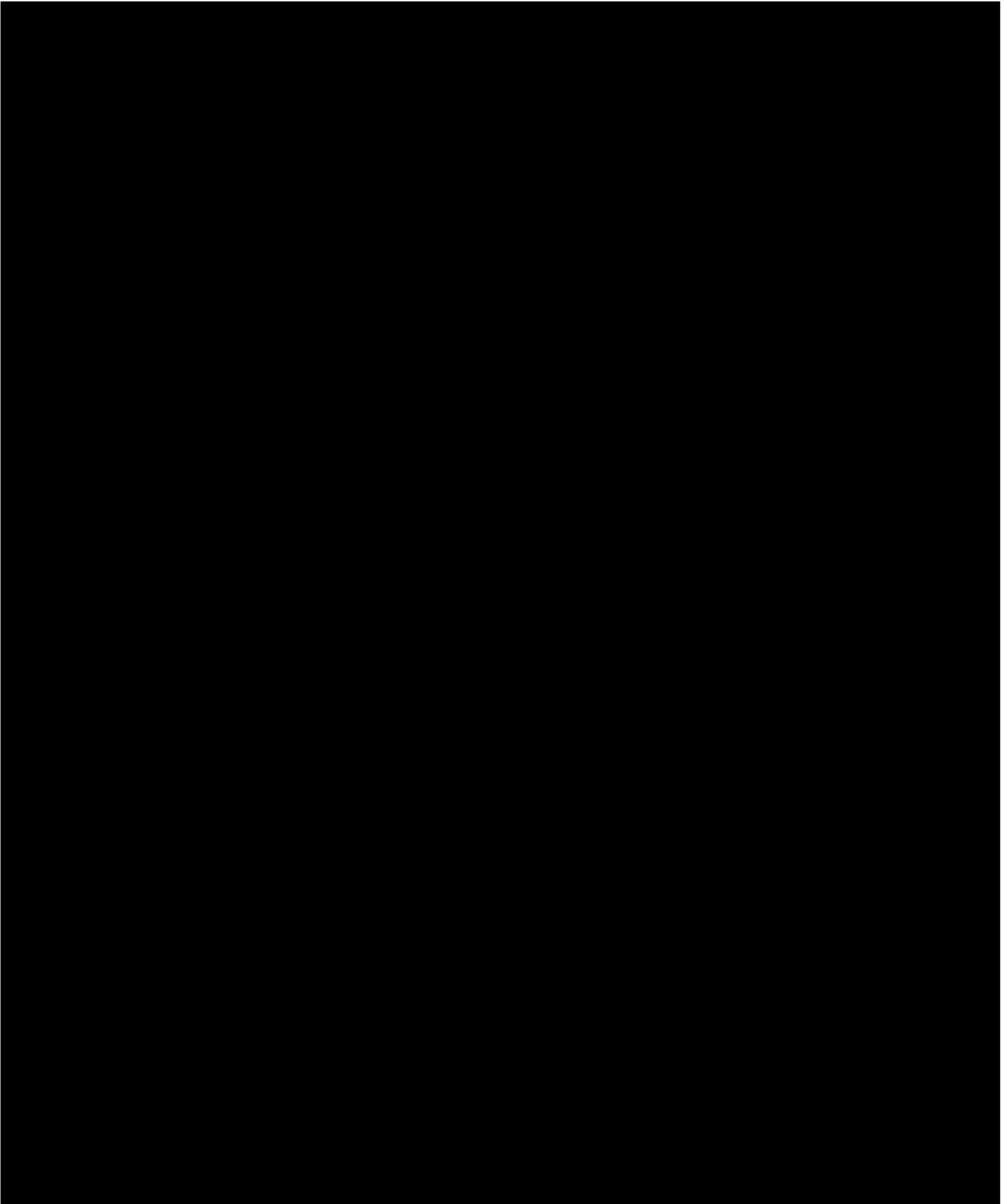


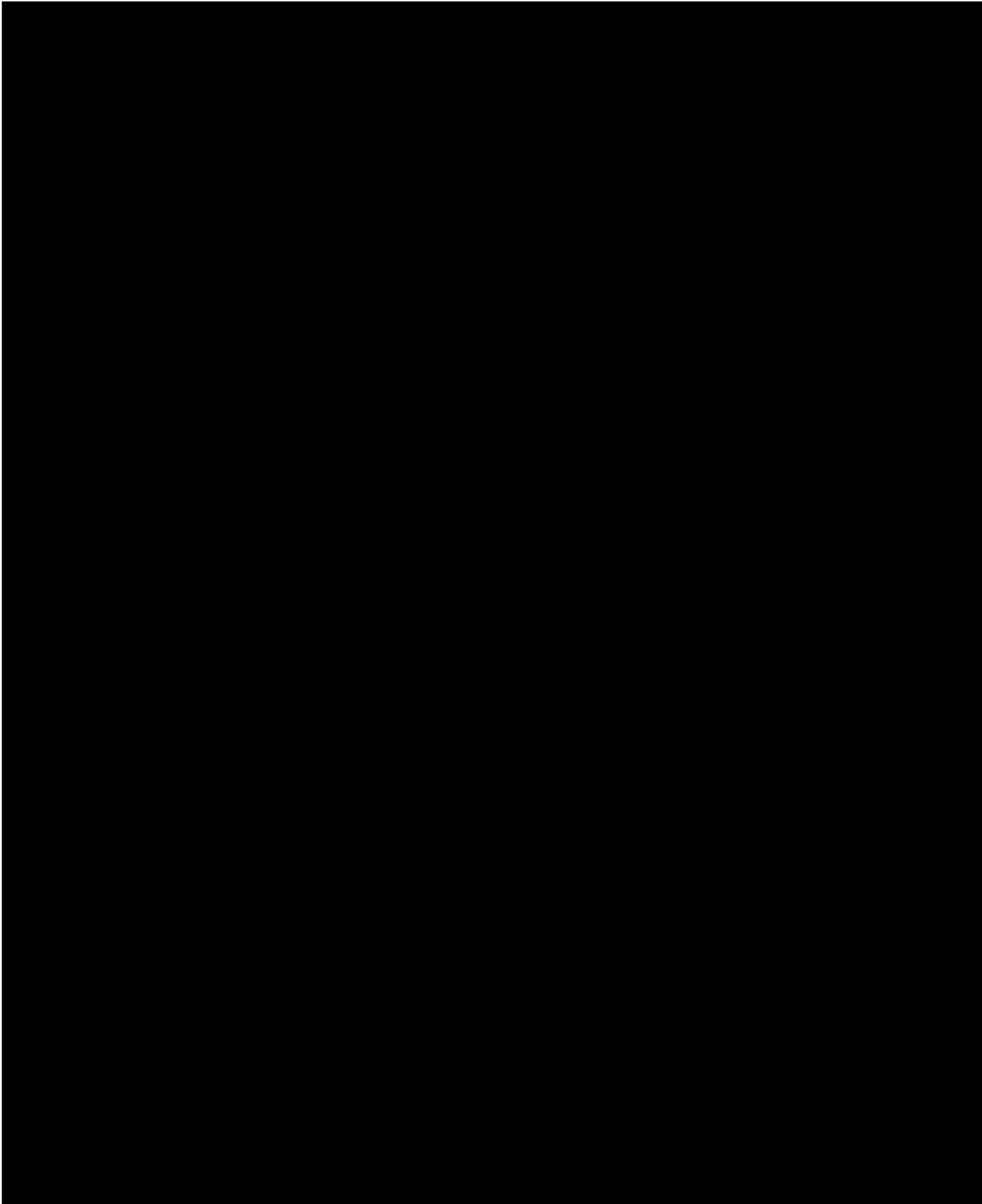


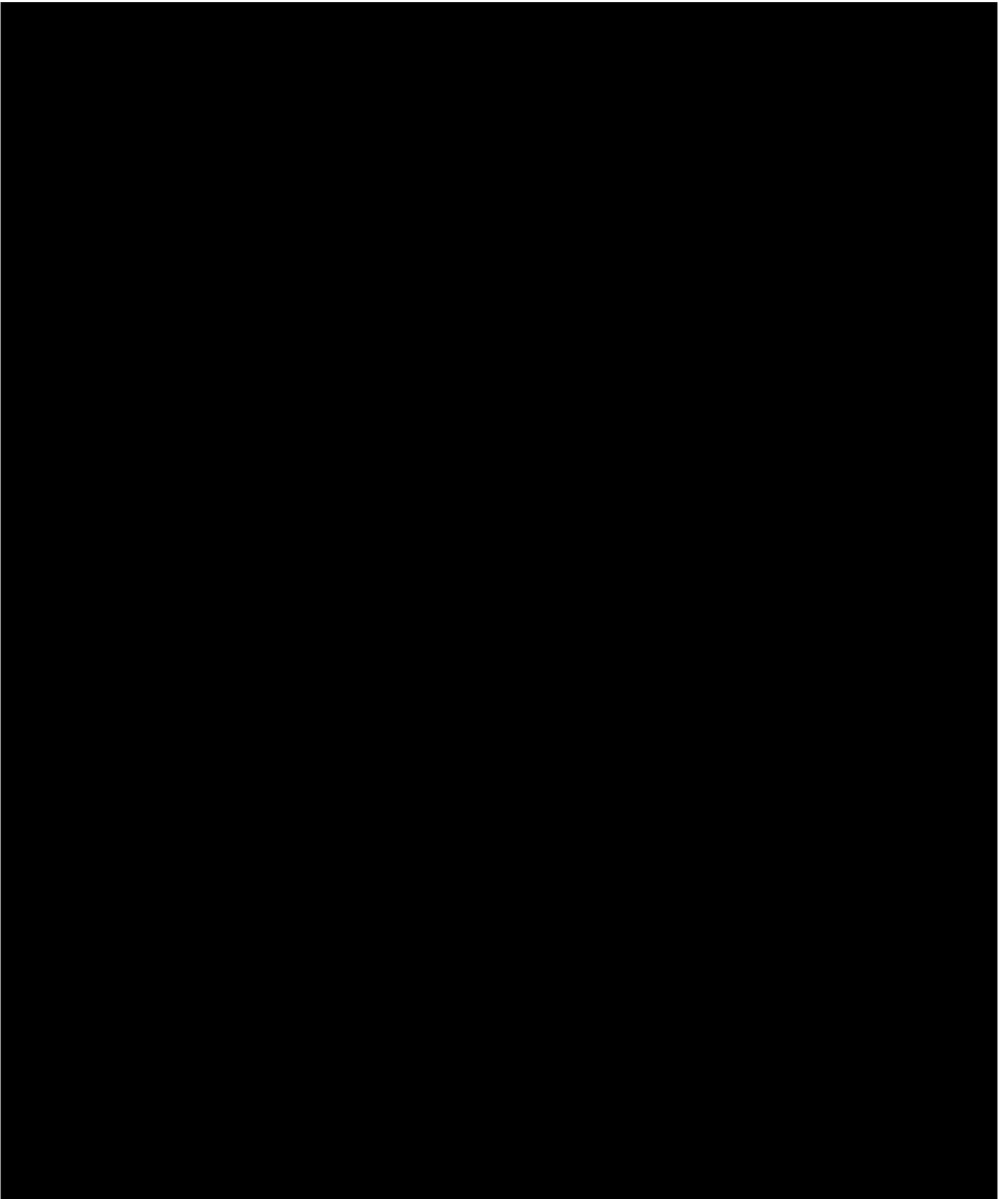


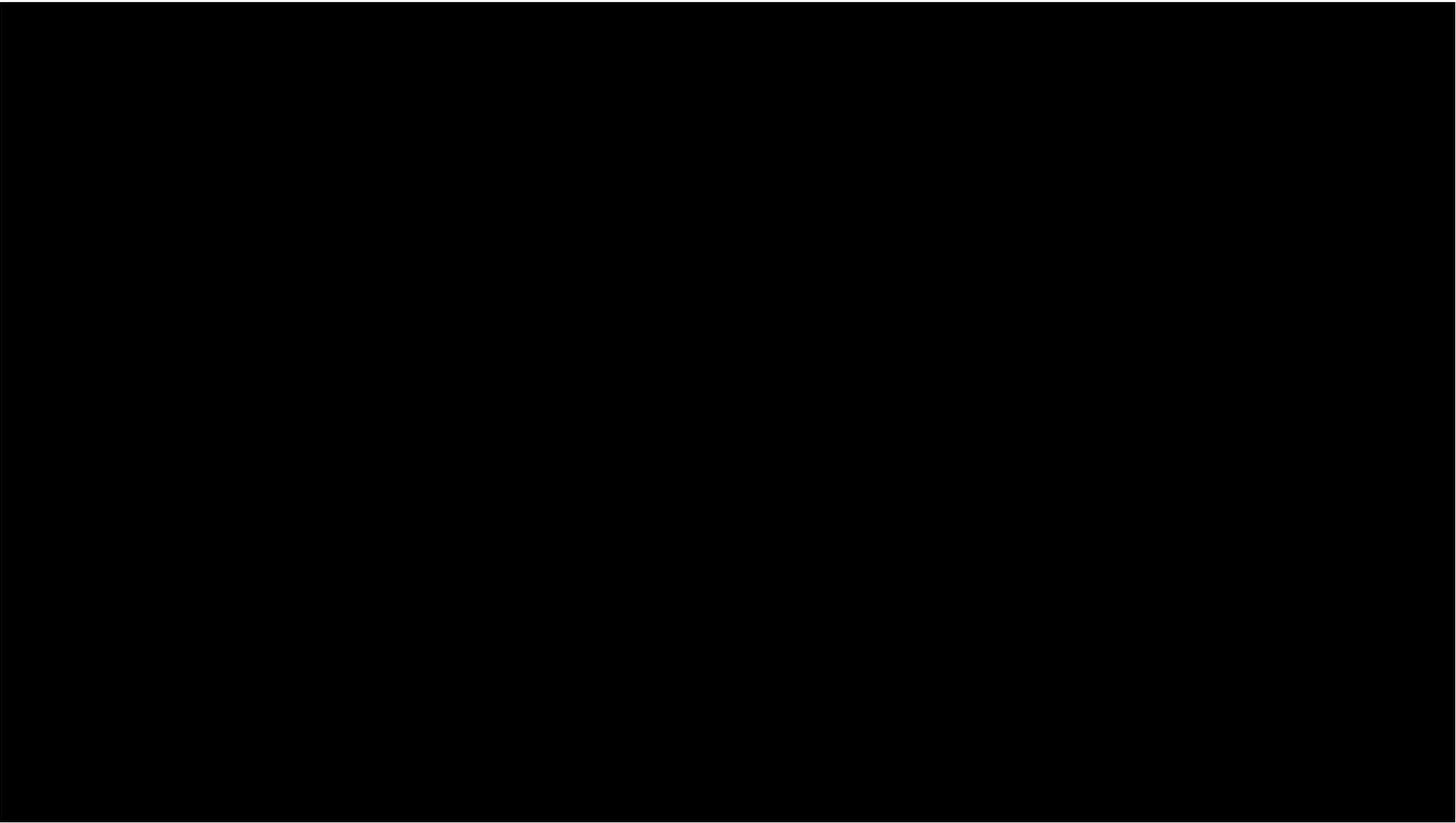






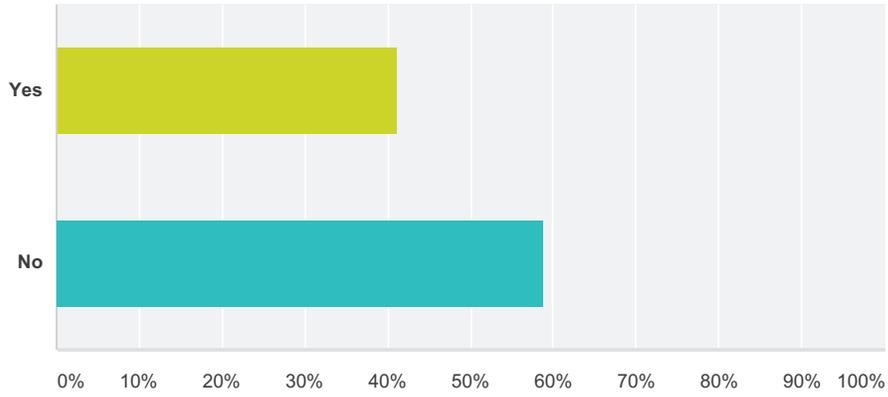






Q21 Would you personally consider volunteering to help OutServe-SLDN in their philanthropy effort?

Answered: 1,526 Skipped: 546



Answer Choices	Responses
Yes	41.09% 627
No	58.91% 899
Total	1,526

