

EXHIBIT B

Deposition of Anthony Blevins

1 (Caption continued from previous page)
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3 RICHARD ROE; VICTOR VOE; :
4 and OUTSERVE-SLDN, INC., :
5 Plaintiffs, :
6 v. :
7 PATRICK M. SHANAHAN, in :
8 his official capacity as : No.
9 Acting Secretary of : 1:18-cv-1565-LMB-
10 Defense; HEATHER A. : IDD
11 WILSON, in her official :
12 capacity as Secretary of :
13 the Air Force; and the :
14 UNITED STATES DEPARTMENT :
15 OF DEFENSE, :
16 Defendants. :

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1 Deposition of ANTHONY BLEVINS held at the
2 offices of:

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U.S. Department of Justice
1100 L Street, NW
Washington, D.C. 20005
(202) 307-0334

Pursuant to notice, before Jessica Croxford,
RPR, Notary Public in and for the District of
Columbia.

1 Let's go back to your duties at
2 OutServe. Tell me again when you started as
3 executive director.

4 A December.

5 Q December. Can you tell me about the
6 duties you have as executive director?

7 A Of course. I manage all aspects of the
8 organization. I supervise all of our
9 employees, manage all of our programs. I
10 report directly to the board of directors and
11 all of the employees report directly to me.

12 Q Can you describe what a typical day at
13 OutServe would be like?

14 A There is no typical day. It -- it
15 depends on what the -- the initiative I'm
16 working on is. For example, yesterday was all
17 about policy. I tried to make sure throughout
18 the week I focus on all aspects of our program.
19 So I'll spend time working on our education
20 program, time working on our policy program,
21 and then time working on our legal department.

22 Q How many people work at OutServe as
23 employees that you manage?

24 A I'm the sole full-time employee.
25 There's about ten individuals that work with

1 A We have a very broad mission. Our --
2 our goal is to provide free and direct services
3 for LGBTQ and HIV-positive service members.

4 And I really group those into three buckets.

5 THE REPORTER: Slow down just a little
6 bit.

7 A Sorry. So we have three -- I get very
8 excited about this. The legal and policy
9 bucket, the education bucket, and then the
10 membership services bucket or the chapters
11 bucket.

12 Q Okay. Can you tell me more? Let's
13 start at the beginning. The legal and policy
14 service bucket, what does that mean?

15 A Of course. So we provide pro bono,
16 direct advocacy services in the form of, you
17 know, direct representation, class action
18 lawsuits, writing letters on behalf of clients,
19 making sure that they are being properly
20 advocated for. And we do the same on the
21 policies side as well, speaking with members of
22 congress up at the federal and the state level.

23 Q Okay. And now the education bucket.
24 What does that mean?

25 A So we have education both for members of

1 the community, so our service members'
2 families, veterans, and then we have education
3 for service providers for that community. So
4 we want to make sure that those service
5 providers are able to actively, effectively,
6 and efficiently support our mutual
7 constituencies. And then our members are able
8 to actively -- what's the -- like, advocate for
9 themselves.

10 Q So what do you mean by "service
11 providers"?

12 A So veterans service officers are folks
13 that help to make sure our veterans receive
14 benefits. We work a lot with health care
15 individuals. We have -- we've done a few
16 trainings with folks on the state level, like
17 the Department of Labor, Department of Veterans
18 Affairs, stuff like that.

19 Q And then your last bucket was you said
20 the membership bucket?

21 A Yes.

22 Q And what does that mean?

23 A So that's everything that entails
24 supporting our membership, mostly the chapter
25 services. So when we're doing private events

1 supporting them -- excuse me; I have a cold --
2 supporting them at their commands for different
3 events, stuff like that.

4 Q Okay. When was OutServe founded?

5 A So OutServe-SLDN is a merged
6 organization. The SLDN portion of OutServe was
7 founded in 1993 and OutServe was founded in
8 2010.

9 Q Let's talk about SLDN for a minute.

10 What was its original purpose when it
11 was founded in 1993?

12 A The original purpose was to combat Don't
13 Ask, Don't Tell.

14 Q And then can you tell me a little bit
15 about its merger with OutServe and how that
16 came about?

17 A Of course. After Don't Ask, Don't Tell
18 was repealed, SLDN wanted to shift the focus of
19 its mission, and OutServe was already around
20 and providing a lot of the services SLDN was
21 looking to do, so the merger just happened
22 naturally.

23 Q So the two organizations now are
24 effectively one?

25 A Yes, ma'am.

1 A Yes, ma'am.

2 Q Okay. Can you talk generally about the
3 history of the bylaws and revisions that may
4 have occurred between OutServe's founding and
5 the present?

6 A Of course. We -- do you mind if I take
7 just a second?

8 Q Oh, absolutely.

9 A Thank you.

10 MS. BERMAN: And we'll ask your counsel
11 to provide a copy of the previous version of
12 the bylaws after the deposition.

13 A I do recall. I apologize.

14 Section 6 I know we -- was amended. My
15 predecessor's name -- title was changed from
16 executive director to the president and CEO.

17 Q And just to be clear, you're referring
18 to Article III, Section 6, correct?

19 A Yes, ma'am. On page 4.

20 That's the only change I can recall.

21 Q Okay. Let's talk a little bit about the
22 bylaws. The bylaws describes a board of
23 directors.

24 How many people serve on your board?

25 A We currently have 12 individuals serving

1 on the board of directors.

2 Q And how long does a board member serve
3 for?

4 A So they are elected to a term of three
5 years, and they can do up to two terms. So
6 they can do up to six years.

7 Q Okay. And I have here -- we'll call
8 this Exhibit C.

9 (Exhibit C was marked for identification
10 and is attached to the transcript.)

11 Q Is this list you're looking at as
12 Exhibit C your current list of board of
13 directors? And you can take a minute to read
14 down the list.

15 A Three of the individuals listed on the
16 board of directors have recently resigned
17 their -- their position.

18 Q Who are those people?

19 A [REDACTED].

20 Do you need me to list where they are on
21 the list?

22 Q No. You can just state their names.

23 A [REDACTED] and [REDACTED] are
24 no longer on the board.

25 Q And have they been replaced --

1 nominations committee. The nominations
2 committee will review it, and then the full
3 board will vote on whether or not they will be
4 added to the board.

5 Q Who serves on the nominations committee?

6 A We have -- [REDACTED] serves on our
7 nominations committee and [REDACTED]

8 Q So other board members serve on the
9 nominations committee?

10 A Yes, ma'am.

11 Q And do any nonboard members serve on the
12 nominations committee?

13 A No.

14 Q Okay. And then -- what you're saying is
15 the members on the existing board vote on
16 bringing in new members of the board?

17 A That's correct.

18 Q How was the initial board established
19 when the organization was founded?

20 A The then -- the founding executive
21 director reached out to a few individuals and
22 asked them to join the board of directors.

23 Q And formed the board?

24 A Yes, ma'am.

25 Q Okay. How often do the new member

1 more than the other board members. I speak
2 with them more often for governance issues. We
3 also have a few individuals that help
4 specifically in their areas of expertise, like
5 communications.

6 Q Okay. Is there any board member
7 specifically tasked with dealing with your
8 HIV-related initiatives?

9 A Yes.

10 Q Who is that?

11 A [REDACTED]

12 Q And what does that mean? What is his
13 involvement in those initiatives?

14 A [REDACTED] is living with HIV
15 himself, and he ensures that the strategic
16 mission and goals of the organization align
17 with the -- our members that are living with
18 HIV.

19 Q So does he provide any guidance on legal
20 strategy?

21 A No.

22 Q But policy he does work on?

23 A No. He mostly works with the -- he
24 mostly works with the membership aspect of our
25 HIV work.

1 Q Can you explain a little bit more what
2 that means?

3 A Sure. So he's a member of the Facebook
4 organization. He makes sure that when people
5 ask questions, those are appropriately answered
6 in a timely fashion, provides information when
7 people ask, like, what next steps are in the
8 process and stuff like that.

9 Q Okay. How many times does the board
10 meet a year -- in a year?

11 A Twelve.

12 Q Monthly, then?

13 A Yes, ma'am.

14 Q Okay. And so this year, say, 2019, how
15 many times would they have met this year so
16 far?

17 A So far, we've met twice.

18 Q Twice.

19 What topics are generally discussed at
20 board meetings?

21 A I provide an update on what we've done
22 in the organization, the successes that we've
23 had, the issues that we are seeing. They talk
24 a bit about our strategic goals to make sure we
25 are -- we're meeting those and whether or not,

1 one-stop shop for people living with HIV and
2 the LGBT community or the military and veteran
3 communities. So if they have a concern that
4 they don't really understand, we'll make sure
5 to provide the training necessary for them
6 to -- to reach that competence level.

7 Q Okay. Okay. So the -- the last bucket,
8 which is legal and policy, can you describe
9 your specific initiatives that are ongoing in
10 that bucket?

11 A Sure. We -- we have remnants from the
12 Don't Ask, Don't Tell era, so one of our
13 biggest programs is Restore Honor, Restore
14 Dignity where we make sure to upgrade --

15 (Reporter clarification.)

16 A Restore Honor, Restore Dignity. So we
17 make sure to upgrade folks' discharges so that
18 they receive the benefits that they deserve.

19 We have a help desk, so people can call
20 in or write in. And if they have concerns, we
21 have a team of -- a legal team that can assist
22 them in those manners as well.

23 And then we do some direct
24 representation. So if somebody's having an
25 issue, you know, we can partner with somebody

1 with them.

2 Q Okay. Let's go back to the bylaws --

3 A Of course.

4 Q -- while we're still there.

5 Article -- Section 6 of Article II talks
6 about committees, and we've already talked
7 about the nominations committee.

8 What committees are there besides the
9 nominations committee?

10 A Currently or the standing committees?

11 Q What are the standing committees?

12 A Oh. We have an audit committee and
13 nominations committee that are standing.

14 Q And what does the audit committee do?

15 A The audit committee reviews our
16 financials to make sure everything is in line
17 with the budget.

18 Q And does OutServe have any other
19 committees that aren't standing?

20 A Yes, ma'am. Right now, we have three.

21 Q And can you tell me what those are?

22 A We have a communications committee and
23 we have a development committee and an events
24 committee.

25 Q And how were the members of the

1 committee made up? What are they made up of?

2 Who serves on the committees?

3 A So we have both members of the board of
4 directors and membership at-large.

5 Q Okay. So an individual -- part of your
6 membership at-large can serve on the
7 committees?

8 A Yes, ma'am.

9 Q Which of these committees -- were any of
10 these committees involved in OutServe's
11 decisions to take on either the Harrison or the
12 Roe lawsuit?

13 A So the entire board as a whole but not a
14 specific committee.

15 Q Neither these standing committees nor
16 the other three we talked about?

17 A No. The decision to become a plaintiff
18 and -- or take on these -- these lawsuits was
19 not discussed at the individual committee
20 level.

21 Q And are any of your committees either
22 now or in the past focused on HIV policies in
23 the military?

24 A No.

25 Q No.

1 Would you say that the committees do
2 touch on HIV policies in the military as part
3 of their broader missions?

4 A So our events committee, we do events
5 focused around HIV-positive service members.
6 For example, they'll discuss it. Those larger
7 conversations happen within the entire board,
8 though, not a specific committee.

9 Q Okay. Let's talk about Article IV of
10 the bylaws, which is entitled Membership.

11 What does "membership" mean in this
12 section?

13 A So this section is recurring [sic] to
14 our requirement under Delaware law for our
15 members of the board of directors to be
16 designated as members of the organization.

17 Q Okay. And how does a person become a
18 member as described in this section?

19 A As described in this section, these are
20 members of the board. So they go through the
21 nominations committee.

22 Q We've talked about what the election
23 means already and when they're held.

24 This section also refers to an annual
25 meeting. What is the annual meeting compared

1 Were either the Harrison or Roe lawsuits being
2 contemplated at that time or discussed?

3 A My recollection is no.

4 Q How about HIV-related lawsuits in
5 general? Was that discussed at all at the
6 previous annual meeting?

7 A My recollection is that they did discuss
8 HIV-positive issues, yes.

9 Q Including the potential to bring a
10 lawsuit or more administrative proceedings,
11 sort of?

12 A More administrative proceedings.

13 Q Okay. OutServe also has an advisory
14 council; is that correct?

15 A Yes, ma'am.

16 Q Can you explain what that is?

17 A Of course. When I took over the
18 organization, I thought it was important to
19 have our membership have more of a stake in the
20 organization. So they -- these are all
21 actively serving individuals, military spouses,
22 or veterans within the LGBT or HIV-positive
23 community, and they really advise myself and my
24 staff on the programmatic elements that we have
25 in the organization to make sure that our

1 memberships' voices are being heard and
2 directing how we're moving forward.

3 Q So how do they meet?

4 A They meet virtually right now, so
5 BlueJeans and via phone. We are also planning
6 on having them -- or trying to have them meet
7 in May as well.

8 Q And how do they provide recommendations
9 to yourself and the board? In what form do
10 they provide their recommendations?

11 A Usually verbally. I have -- during the
12 meeting, so verbally or we'll discuss it.

13 Q Okay. How often do they meet?

14 A Once a month.

15 Q Okay. So who exactly is serving on the
16 advisory council in terms of where do they come
17 from? How are they selected?

18 A So these were all individuals that are
19 stakeholders within the LGBT or HIV-positive
20 military and veteran communities. We went
21 through an extensive interview process. I -- I
22 had a list of folks that I recommended to the
23 board of directors, and they -- they gave me
24 the go-ahead to establish the board of advisors
25 after that.

1 Q And how often do you select new members
2 for the board? Is there a cycle -- or the --
3 sorry. The board of advisors. Is there a
4 cycle?

5 A We -- we -- it hasn't happened yet.
6 However, it's going to be an annual sort of
7 assessment.

8 Q Okay. And in the future, do you plan on
9 having an open application, or is it going to
10 follow the same process where you contact
11 people and ask them to apply?

12 A It will be an open application.

13 Q And in terms of that selecting members
14 of the board of advisors, how did you perform
15 that selection?

16 A Do you mean the interview process?

17 Q Yes.

18 A I -- I spoke with them about the charges
19 of the board of advisors and asked them -- I
20 wanted to make sure they had the time for it.
21 This board is very important to me because I
22 want to make sure that the mission of our
23 organization is strategically aligned with the
24 needs of our members. So I don't want people
25 sitting on the board that can't actively

1 contribute to that.

2 I also wanted to make sure that we had
3 diversity in terms of identities and services.
4 So we have somebody living with HIV on it. We
5 have people who identify as lesbian on it. I
6 wanted all of the membership to be able to see
7 themselves on this board. And then I wanted to
8 make sure that their competencies were able to
9 contribute to the organization.

10 Q And you made the decision as to who
11 served on the board. Did you consult with
12 anybody else, other staff members or the board
13 of directors?

14 A So my predecessor and I did. We did
15 consult with all of our staff members and we
16 did speak with the board of directors about it
17 as well.

18 Q And did the board of directors have any
19 form of vote or confirmation in terms of your
20 selections of people, or did they delegate the
21 selection entirely to you?

22 A They delegated it.

23 Q Okay. How did you identify these people
24 that you invited to serve on the advisory
25 council?

1 A I came up with a list of folks that I
2 thought would be good. Not all of them ended
3 up making it on the board. My predecessor did
4 as well. But we also received names from the
5 board of directors and then my staff. And then
6 after every conversation we had with an
7 applicant, we asked them, "Is there anybody
8 else you think we should speak with?"

9 Q And of the people that didn't make it on
10 the board of advisors, why was that?

11 A We wanted to keep it fairly small. We
12 didn't want, you know, a board of, like, 30
13 people. And we -- we also wanted to make sure
14 that we kept spots for specific identities. We
15 didn't want all white lesbians, for example.

16 Q And are all the members that you invited
17 to apply to be on the advisory council, were
18 they already members of OutServe?

19 A Yes.

20 Q And they're currently members of
21 OutServe as well?

22 A That's correct.

23 Q Okay. Can you explain a little bit more
24 about what the advisory council does to provide
25 you with direction or advice or ideas?

1 A Of course. So their charge is really to
2 make sure that our programmatic elements -- I'm
3 trying not to apologize, but I --

4 Q If you need more water after you finish
5 the question, just let me know and you can --

6 A So are we starting --

7 Q We need to finish the question. Yeah.

8 A No. I mean, I'll restart my answer. Is
9 that okay?

10 Q Oh, okay.

11 A Yeah. So the board of advisors' charge
12 is really about the programmatic elements of
13 the organization. So when we have -- first, we
14 had them assess, really, all of the programs
15 that we currently have to make sure that
16 they're meeting the needs of our membership.
17 We're not doing anything that we don't need to
18 do or that one of our sister organizations in
19 the community's already doing, reinventing the
20 wheel.

21 They're working in needs assessment
22 right now. So a survey that's going to go out
23 to all of our membership in which we'll be able
24 to get feedback from them to see how our
25 mission can pivot, what we can continue doing,

1 what we should change doing. And we speak
2 about this during our monthly meetings.

3 Q Okay. Was the advisory council involved
4 in OutServe's decision to become a plaintiff in
5 either the Harrison or Roe suits?

6 A No.

7 Q Have they been involved in any way in
8 the Harrison or Roe suits?

9 A No.

10 Q Are they involved in any way in
11 providing advice on legal initiatives of
12 OutServe?

13 A No.

14 Q To your knowledge, are you aware if they
15 ever discussed any of the HIV-related lawsuits
16 at the advisory council?

17 A To my knowledge, no.

18 Q Do you go to the advisory council
19 meetings? Or --

20 A I do.

21 Q Okay. Do members of the advisory
22 council get paid for their services?

23 A No.

24 Q Do they get reimbursed for expenses?

25 A No.

1 saying -- for example, OutServe Germany is our
2 chapter in Germany. "How can OutServe
3 headquarters better support the work that
4 you're doing on the ground?" or "How can we
5 better communicate with you?"

6 Q Okay. And I see on this list that
7 Nick Harrison is listed as a member of the
8 advisory council.

9 This is the same Nick Harrison that's
10 the plaintiff in one of these lawsuits?

11 A That's correct.

12 Q And when did Nick Harrison join the
13 advisory council?

14 A In October 2017.

15 Q So at its founding?

16 A Or -- yes, at its founding.

17 Q And he is still a member of the advisory
18 council?

19 A That's correct.

20 Q Okay. Are either the plaintiffs in the
21 Roe or Voe lawsuits members of the advisory
22 council?

23 A No.

24 Q Have they ever been?

25 A No.

1 Q Let's move on to talk about OutServe's
2 staff a little bit.

3 A Of course.

4 Q We talked about your ten staff members,
5 and you said two are full time?

6 A That's correct.

7 Q And the other eight are a combination of
8 part time and volunteer?

9 A That's correct.

10 Q Okay. Who's responsible for hiring the
11 staff?

12 A I am as the executive director.

13 Q Okay. Can you describe what your staff
14 members do?

15 A Of course. I do want to make a
16 correction if that's okay.

17 Q Go for it.

18 A [REDACTED] is no longer on the
19 staff.

20 Q Okay.

21 A So right now, the only paid staff
22 members are myself, Peter Perkowski, and
23 Corrine Cole.

24 Q Okay. So the paid members of the staff
25 are as listed in Exhibit C, except for the --

1 A Correct.

2 Q And how are those other volunteers
3 involved in -- in directing OutServe's projects
4 or initiatives?

5 A So our biggest pool of volunteers who I
6 do not consider staff are our chapter leaders,
7 and those are the folks that lead the chapters
8 and the forums for our membership. So they're
9 my eyes and ears on the ground. We -- I -- I
10 speak with them frequently. I want to make
11 sure that the concerns that are seen are being
12 addressed. And then occasionally before we
13 launch a program, we'll have them do, like, a
14 test drive of it to make sure that it meets all
15 of the needs.

16 Q And were any of that type of volunteers
17 nonstaff volunteers involved in OutServe's
18 decision to bring the Harrison or Roe lawsuits?

19 A No.

20 Q Not at all?

21 A No.

22 Q Okay. Okay. Let's talk about your
23 local chapters. How many local chapters does
24 OutServe have?

25 A We're up to 81 chapters and forums.

1 Q Eight-one?

2 A Yes.

3 Q You said chapters and forums.

4 What does that mean?

5 A So they're basically run the same. I
6 make the distinction because the chapters are
7 very location-based whereas the forums are
8 identity-based.

9 Q So what would a forum look like?

10 A We have forums for folks that are
11 serving in the Navy, forums for folks that
12 identify as trans, that are living with HIV.

13 Q But they would be geographically
14 dispersed?

15 A Correct.

16 Q Okay. How does the national
17 organization work with the local chapters?

18 A So we push the programs down through our
19 chapter leaders, the folks that manage the
20 chapters and the forums. And just for
21 clarification, when I say "chapters," I'm also
22 lumping in the forum leaders. They help us
23 push that out to their membership on the ground
24 or distribute it if it's a forum. And then
25 they report back up as well. So if they

1 say, "Hey, we're not getting any leadership. I
2 think you need to make a leadership change."

3 Q So when somebody's a member in one of
4 your local organizations or forums, what does
5 that mean?

6 A I don't think I understand the question.

7 Q For example, say I am now in Germany and
8 I would like to become a member of your German
9 chapter, how do I join?

10 A So there's a few ways. We always try
11 and make sure everybody is added into the
12 Facebook chapter because that's where a lot of
13 the information is pushed out. However, we
14 don't -- not everybody uses Facebook, so we
15 have Instagram pages, Twitter pages. They can
16 join those as well. Not every chapter does
17 have those. They -- but by -- just by going to
18 the meeting, they're considered a member of the
19 chapter.

20 Q Okay. And do you consider all of the
21 members of your local chapters members of the
22 national organization?

23 A We do.

24 Q Now, how about the forums? How does one
25 become a member of a forum?

1 A The exact same way. So we have the
2 Facebook group. They'll join into that.
3 Because that's more dislocated, membership of
4 the forum is more being added into that forum's
5 social media. And when they're a member of
6 that social media group, they are considered
7 members of the national organization as well.

8 Q We'll talk about a little bit about this
9 in more detail --

10 A Sure.

11 Q -- in a little bit.

12 So were any of your local chapters or
13 forums involved in OutServe's decisions to
14 become a plaintiff in either the Harrison or
15 the Roe suit?

16 A No.

17 Q Was there any discussion about becoming
18 a plaintiff in, say for instance, your
19 HIV-positive forum?

20 A No. We did not discuss whether or not
21 we should become a plaintiff in that forum.

22 Q Okay. Let's just jump to another topic
23 here really quickly. Does OutServe's legal and
24 policy initiatives involve any contact with
25 current members of Congress?

1 (A recess was taken.)

2 BY MS. CUTRI-KOHART:

3 Q I think it's time to -- we've kind of
4 talked around your membership, but I want to
5 talk more specifically about what it means to
6 be a member in OutServe.

7 A Sure.

8 Q So first of all, just as a point of
9 clarification, your bylaws talk about members,
10 but those are members of the board, correct?

11 A You're referring to --

12 Q Sorry. I'm referring to Article IV,
13 Membership.

14 A That's on page 5.

15 Yes. That's referring specifically to
16 the members of the board of directors.

17 Q But now we're going to go talk about
18 actual members of OutServe. Can you explain
19 the difference?

20 A Of course. So the members of OutServe
21 are folks -- so we really define "membership"
22 in four ways. So if they identify as a member
23 of the LGBT military and veteran community and
24 they donate to us, we consider them members.

25 Likewise, if they identify the same and

1 they are a member of our chapters and forums,
2 they're considered members.

3 If they subscribe to our newsletters
4 with those same identities, they're members.

5 And then -- oh. If they access our
6 services and they use those identities, they're
7 members.

8 And we do have a fifth category, but
9 it -- so if they're a member of a -- like, a
10 volunteer leadership position like the MAC or a
11 chapter leader, they're also a member, but they
12 also fall into other categories.

13 Q So it would be that plus --

14 A Yes.

15 Q -- another category?

16 And is this definition reflected
17 anywhere in your bylaws?

18 A No.

19 Q Is it reflected anywhere else in your
20 kind of organizational documentation?

21 A It's a common understanding. It's not
22 memorialized in a document, no.

23 Q Does a -- let's -- I'm trying to think
24 of the way to break this down.

25 First of all, the five ways you

1 though we don't say, "You are now a member of
2 OutServe," no.

3 Q Let me ask the same question about a
4 newsletter subscription.

5 So how does somebody subscribe to the
6 newsletter?

7 A Through a link on our website.

8 Q And when they follow that link, does it
9 say anything that says, "By subscribing to this
10 newsletter, you're becoming a member"?

11 A It says, "Thank you for your
12 membership."

13 Q It does say, "Thank you for your" --

14 So before or after they subscribe to the
15 newsletter, does it -- does it inform them
16 they're becoming a member?

17 A After they subscribe, they're
18 informed -- it says, "Thank you for your
19 membership."

20 Q Okay. How about when somebody donates
21 to OutServe? How do they get notified that
22 they have become a member of OutServe?

23 A They receive a receipt and a thank-you
24 letter. However, it doesn't say "You are now a
25 member."

1 Q Do your members get any form of
2 membership number or ID?

3 A No.

4 Q Do you keep kind of a general list of
5 members?

6 A Solely through the chapter leaders
7 themselves. Headquarters doesn't have a master
8 list.

9 Q So to be a member of OutServe, you have
10 to be on some sort of chapter list?

11 A No.

12 Q No.

13 So if you're not on a chapter list and
14 you're not kept in a list of members at
15 headquarters, how do you know if that person is
16 a member or not?

17 A So we'll go through the five buckets I
18 mentioned. We'll see if they're a donor and if
19 they identify as part of the community.

20 We do have donors that do not identify
21 as part of those communities who we do not
22 consider members. We'll go through to make
23 sure -- see if they're in a chapter or a forum.
24 We will see if they subscribe to a newsletter,
25 and then I'll contact my staff to see if

1 they've accessed services before.

2 Q So I just want to clarify one thing.

3 Let's use the donor bucket.

4 A Sure.

5 Q You say they have to both be a donor and
6 be a part of the LGBT community?

7 A No. They need to identify as an LGBT or
8 HIV-positive military or veteran. So we have
9 LGBT donors who do not identify -- or who did
10 not serve or are a part of a military family
11 who we do not consider members.

12 Q Would you consider an HIV-positive
13 heterosexual donor a member?

14 A Yes.

15 Q As long as they were in the military?

16 A Yes. Yes.

17 Q As long as they were a service member?

18 A Yes.

19 Q And that would be -- you'd use that same
20 identity definition for somebody who, say,
21 accessed services?

22 A Correct.

23 Q In terms of joining -- in terms of the
24 other two buckets, either joining chapters and
25 forums or newsletter subscriptions, do they

1 also have to have the identity in addition to
2 their join? Is the identity a requirement for
3 all your forms of membership?

4 A Yes. Yes. And they're not exclusive.
5 So, like you said, a heterosexual HIV-positive
6 individual and a gay non-HIV-positive
7 individual are both -- have the same level of
8 membership.

9 Q Okay. So somebody -- say, for example,
10 a non-HIV-positive heterosexual who subscribes
11 to your newsletter, would you consider that
12 person a member?

13 A Not part of the LGBT community and not
14 HIV-positive, no.

15 Q Okay. So they have to have both the
16 identity and --

17 A And the service.

18 Q And the -- and fall into one of these
19 four or five --

20 A Unless they are --

21 Q -- services?

22 A So let me clarify. "Service," we
23 include in that people that are actively
24 serving, people that have served, and people
25 that are part of military families -- we

1 consider that service -- and folks that are
2 aspiring to serve. So we lump them into what
3 we call "future warriors."

4 Q That was actually going to be my next
5 question.

6 So I just want to summarize this to make
7 sure I understand it correctly: So the
8 identity that you would expect would be
9 somebody who is either LGBT -- part of the LGBT
10 community or HIV-positive?

11 A Yes.

12 Q And either in the service, formally in
13 the service, or aspiring to be in the service?

14 A Correct.

15 Q And then they have to have that identity
16 plus they have to fall into one of your four
17 buckets: a donor, a member of a chapter or
18 forum, a newsletter subscriber, or they have
19 access to your services in some way?

20 A Correct.

21 Q And once they have those combination of
22 items, then you would consider them a member?

23 A That's correct.

24 Q Are there any other ways to become a
25 member of OutServe?

1 A There's other ways to be involved but
2 not to be considered a member, no.

3 Q Okay. Let's talk about the benefits
4 members of OutServe get.

5 Is there a magazine?

6 A We no longer have a print magazine. We
7 do have -- we converted to a blog.

8 Q And when did you do that?

9 A They stopped doing the magazine in 2011,
10 and we restarted the blog late last year.

11 Q Okay. Is there -- and you said there's
12 a newsletter?

13 A There is.

14 Q Tell me about the newsletter.

15 A So the newsletter we try and do monthly.
16 Sometimes it's more frequently. That -- in it
17 we put the successes of the community so that
18 we can all have these little celebrations. We
19 talk about some of the programs that we're
20 doing so to make sure that people know they can
21 access some of the programs that we have. And
22 then we try and do a highlight of, like, a
23 service provider that, you know, we partner
24 with or -- like, if Pride Month is coming up,
25 for example, or Military Family Month is coming

1 A Yes.

2 Q Are there any social events that are
3 restricted by identity?

4 A No.

5 Q Are there any social events that are
6 restricted by geographic region?

7 A We have events that are specific for the
8 geographic region. But if we have somebody
9 that's in town, they're invited.

10 Q So it would be fair to say any member
11 could attend any social event?

12 A Yes.

13 Q Okay. How about -- can nonmembers
14 attend social events?

15 A Yes.

16 Q Okay. Are there any restrictions on
17 that?

18 A We do have some events that are specific
19 for members. For example, family dinners that
20 our chapters might hold in their region, we
21 don't invite members of the public to. That's
22 specifically for the members.

23 Q And how about the social media groups?
24 Can nonmembers join the social media groups?

25 A So nonmembers are allowed to "like" our

1 public page, follow our Twitter, and follow our
2 Instagram. They are not allowed -- with the
3 exception of individuals who we work closely
4 with for policy-related reasons or that are
5 assisting our members, they're not allowed to
6 be part of the private or the secret groups.

7 Q Can you restate for me?

8 A Sorry.

9 Q So nonmembers that are part of your
10 policy initiatives?

11 A So individuals that assist OutServe in
12 being able to -- so, like, we have strategic
13 partnerships, for example, because we want to
14 make sure that the folks that are serving our
15 members also have that identity. And I -- you
16 know, my whole staff isn't transgender. So we
17 might have folks that, with consensus of the
18 group, are allowed to join one of those secret
19 groups.

20 Q Okay. And what do you mean by "with
21 consensus of the group"? How is that achieved?

22 A So we're very concerned about the
23 anonymity of our individuals, especially with
24 the current administration and the climate that
25 they're serving under, so we want to make sure

1 they're comfortable with an individual from the
2 outside that doesn't identify with the -- that
3 isn't also serving or doesn't identify with
4 them joining amongst their ranks.

5 So we will say, "Is everybody okay with
6 this?" We'll set a deadline. Usually, it's
7 like a day or two for them to -- to post, "No,
8 I'm not okay with this" or message us directly
9 or something, and then that's how we achieve
10 consensus.

11 Q Okay. So do members participate in your
12 advocacy efforts, OutServe's advocacy efforts?

13 A We -- so we just did the Storm the Hill
14 Day. We brought five members with us, yes.

15 Q Okay. Could nonmembers participate in
16 something like that?

17 A Yes.

18 Q Okay. Does OutServe provide networking
19 opportunities?

20 A We do.

21 Q Can you describe those a little bit?

22 A Of course. We focus these a lot around
23 military spouses and folks that are getting
24 ready to leave the service. Traditionally,
25 those folks within our community, because of

1 their identities, are not given the same
2 experience as -- in the civilian sector. So
3 if, for example, they're looking to break out
4 into a specific community, we'll make direct
5 connections. When we host events, we always
6 try and bring in members of the community that
7 they can network with or that are willing to be
8 mentors, stuff like that.

9 Q Okay. And could nonmembers participate
10 in these networking events?

11 A So can you clarify, please? Like --

12 Q Like, so if you had something where you
13 brought -- like, as you just described, where
14 you bring in members of the community to meet
15 people about job prospects after -- after
16 leaving the military. If somebody was a non --
17 not a member of OutServe by virtue of one of
18 these four topics we talked about, could they
19 still participate in the event?

20 A I don't think that's ever happened in
21 the past. Only members have ever been invited
22 to or attended those events. However, if
23 somebody reached out and said, "Can I attend?"
24 I don't think I would turn them away.

25 Q Are there any other benefits that we

1 nomination to the nominating committee?

2 A Yes.

3 Q Is that correct?

4 A Yes.

5 Q Okay. Can a nonmember submit a

6 nomination to the nominating committee?

7 A Yes.

8 Q Do members select leaderships -- we've
9 already talked about this. Members do not
10 select the leadership of their local chapters;
11 you select -- the executive director selects
12 the leadership?

13 A Correct. Well, just to clarify, it's
14 consensus-based with me and my two staff
15 members that run the chapter.

16 Q And can local -- members of the local
17 chapters nominate leaders to you?

18 A Yes. However, when they nominate the
19 folks, we speak to the individual that was
20 nominated to make sure they actually want to --

21 THE REPORTER: "To make sure" what?

22 A They actually want to serve in the
23 position.

24 Q Besides the ways we've already
25 discussed, are there other ways that members

1 can be involved in deciding which projects or
2 initiatives OutServe pursues as an
3 organization?

4 A So just to clarify, contacting
5 headquarters directly, contacting their chapter
6 leaders, contacting members of the military
7 advisory council through phone, email, social
8 media, a web form. Yeah.

9 Q Okay. Do members of OutServe pay any
10 dues?

11 A No. They're not required to pay dues.

12 Q Is there voluntary dues?

13 A We don't call it "dues." We call it
14 donations. Several of our members do provide
15 donations.

16 Q And how -- how do voluntary donations
17 work?

18 A So they are not required to donate, but
19 they're given the opportunity, like at the end
20 of our newsletter or one of our -- the emails
21 that we push out at the bottom, it might say,
22 "Are you interested in supporting this program?
23 You can donate here."

24 Q Is there any form of, if you're a
25 member, we suggest you donate this much

1 annually or anything like that?

2 A So when they go to the website, we have
3 listed \$10, \$20, and \$50, and then Other. But
4 those are the only suggestions we provide.
5 We -- most of our members are lower enlisted
6 and they generally can't donate very much. I
7 have a few folks that might only give \$5 a
8 month, but they're still members even though I
9 have other people that give 250 a month. So
10 we -- we -- we don't like to define membership
11 based on how much they give, just that they're
12 giving.

13 Q Okay. Do they pay dues to local
14 chapters in any way?

15 A No.

16 Q So, obviously, you can't -- membership
17 can't lapse for unpaid dues, right?

18 A No.

19 Q If somebody would like to leave
20 OutServe, how do they -- how do they resign
21 their membership?

22 A They can unsubscribe from the
23 newsletter, stop their donation, leave the
24 social media groups, stop accessing our
25 services. And they usually just say, "We no

1 longer" -- "I no longer want to be affiliated
2 with your organization."

3 Q So do they have to positively affirm
4 with you that they no longer want to be
5 affiliated with the organization?

6 A No. Just by virtue of no longer being
7 in those four categories, they're no longer a
8 member.

9 Q So how does that work with a one-time
10 donor? So, for instance, for example, say
11 somebody donates to you in 2016 and you now
12 consider them a member because of their
13 identity and they want to leave the group,
14 would they have to contact you to tell you that
15 they no longer want to be a member?

16 A No. That's a great question. So the
17 donation is based on the -- the year. So if we
18 get somebody that donates in 2016, they're a
19 member for 2016. But in 2017, you know, I'll
20 send an email out saying, "Hey, would you like
21 to donate again?" and kind of -- and that's not
22 specifically to those individuals that donated.
23 That's more of a end-of-year appeal kind of
24 thing.

25 Q So to clarify, you only consider donors

1 members in the year in which they've donated?

2 A Correct.

3 Q And so if they have not donated in the
4 year and they're not part of any of the other
5 categories, they're no longer members?

6 A Correct.

7 Q When somebody unsubscribes from the
8 newsletter and do not fall into any of your
9 other categories of membership, does that
10 immediately halt their membership?

11 A Yes. By virtue of no longer being part
12 of any of the other categories and them -- and
13 then unsubscribing, they're no longer connected
14 to the organization. So I would no longer
15 consider that individual a member.

16 Q How about contacting OutServe for
17 services? Does the membership -- is it like
18 donors? Does it extend through that year or is
19 it in perpetuity?

20 A So we like to always be connected to our
21 former clients. So we have folks, you know,
22 from several years back that I consider members
23 still.

24 Q How would one of those people resign
25 their membership?

1 A No longer being involved with -- so most
2 of the individuals that would fall into this
3 category still attend events. So by their no
4 longer attending and no longer being involved,
5 I would consider the membership resigned.

6 Q So they would have to be in one of your
7 other categories of members?

8 A No, not necessarily. So, for example,
9 if I had an individual that accessed services
10 in 2010 but still came to our annual gala but
11 isn't a member of, you know, the chapter or
12 forum, I would consider him a member. However,
13 an individual in 2010 that accessed services
14 but doesn't attend our annual gala, I would not
15 consider that individual a member.

16 Q For example, say somebody calls and has
17 one phone conversation with your legal
18 services, doesn't join any of your other
19 categories of members, and you never hear from
20 them again, when does that person cease to be a
21 member?

22 A I would consider -- so we usually give a
23 grace period. After they access our services,
24 it's -- we like to incorporate --

25 THE REPORTER: I'm sorry. Could you

1 slow down and repeat that?

2 THE WITNESS: Sorry. Yes.

3 A Accessing our services is usually a last
4 resort for them. They want to continue their
5 service. They feel like they're not being
6 given the opportunity to do so. And after we
7 finish those services with them, I like to give
8 a grace period of two to three months because
9 they want to be left alone, and then they can
10 come back and get re-involved.

11 And after that grace period, if they're
12 no longer in any of those other categories,
13 that's when I would consider their membership
14 terminated.

15 Q What if somebody accesses your services
16 for a specific issue before the military and is
17 involved in your services over time for that
18 specific issue and then that issue closes and
19 you never hear from them again, when does that
20 person cease to be a member?

21 A So, like, for clarification, they
22 contact us for Don't Ask, Don't Tell and then
23 Don't Ask, Don't Tell's repealed?

24 Q Yeah. And they had continuing contact
25 with you for a while.

1 A Sure. And they're no longer in those
2 buckets?

3 Q And they still identify in those
4 buckets, but they have no more -- they still
5 identify with the identity, they're LGBT and
6 they're a service member, but their issue has
7 been resolved.

8 A And they're no longer, like, a member of
9 a chapter?

10 Q Right. They don't fall into any of the
11 other buckets.

12 A It would still be the grace period, the
13 two to three months.

14 Q Okay. So once you cease hearing from
15 them for two to three months after their issue
16 is resolved.

17 Let's talk about the social media
18 groups. So somebody can become a member by
19 virtue of joining one of your forums, correct?

20 A Yes.

21 Q And that is true if they join the forum
22 but never participate in the forum?

23 A But virtue of being in the forum, we
24 consider that participation. Inactive
25 participation is not lessened in our eyes.

1 Q Do they immediately cease to be a member
2 when they leave the group?

3 A We, again, do that two- to three-month
4 grace period. A lot of -- in social media, a
5 lot of people get upset about random stuff and
6 they want to come back in a week later, you
7 know. So we give that grace period as well.

8 Q But there's no grace period to
9 unsubscribing from the newsletter?

10 A I -- I -- no, I don't. Unless they
11 resubscribe, I consider them no longer members
12 because it's -- they're no longer involved in
13 any other capacity. The individual that
14 unsubscribed from the social media groups may
15 still be attending the events in person, but an
16 individual unsubscribing that also isn't
17 attending events, I would not consider a
18 member.

19 Q So you're kind of describing a hybrid
20 category of membership for people who attend
21 events such as your gala where they can
22 maintain their membership when otherwise it
23 would lapse.

24 Can you -- can you explain a little bit
25 more about that?

1 A Yeah. So the folks that attend our
2 events and our gala are continuing to help us
3 celebrate. They're providing some of those
4 needed benefits to our memberships so that --
5 the camaraderie. A lot of them are success
6 stories. So they may have been kicked out
7 under Don't Ask, Don't Tell. A lot of our
8 folks are facing similar possible
9 circumstances, living with HIV and identifying
10 as trans, and seeing them as successful members
11 of the community is a service we want to
12 continue providing.

13 Q So am I correct in stating that if
14 somebody -- in these other categories where we
15 talked about the two- to three-month grace
16 period, if they attend an event during that
17 grace period, that would extend their
18 membership when it otherwise would have lapsed?

19 A Yes.

20 Q How about if they attend an event
21 outside of that grace period? Does that renew
22 their membership?

23 A Yes.

24 Q For how long?

25 A This situation's never happened. It

1 would depend on the event. So the frequency of
2 the event. If it's the family dinner, I would
3 consider the two- to three-month grace period
4 again because those happen so frequently. If
5 it's the gala, however, I would extend that
6 grace period to the next year because they may
7 only want to be involved in an event of that
8 caliber.

9 Q And are any of these policies we're
10 talking about -- are they written down anywhere
11 or documented anywhere?

12 A They're not memorialized on paper, no.

13 Q Okay. Would you say that your
14 understanding of the policy is shared by
15 members of your staff?

16 A Yes. And members of our membership --
17 our membership as well.

18 Q Okay. And how would these policies be
19 communicated to your membership?

20 A Like, how they're members?

21 Q Yeah. And how they could leave their
22 membership.

23 A Oh. So that would likely only be
24 communicated if somebody came to a member of my
25 staff or an advisory board or a volunteer and

1 Can you tell me, are there any other
2 circumstances besides which -- those we have
3 already discussed and which somebody can let
4 their membership lapse or leave or resign their
5 membership?

6 A Can you rephrase the question?

7 Q Are there -- besides what we have
8 already discussed, are there any other ways
9 that a person can either resign being a member
10 of OutServe or let their membership lapse?

11 A If an individual openly advocates
12 against a position of the organization, for
13 example, decides they want to -- all gays
14 should go to Hell and shouldn't be part of the
15 military, I would no longer consider them
16 members.

17 Q Do they get notified they're no longer a
18 member?

19 A I would reach out to them directly, yes.

20 Q Okay. Let's go back to the Facebook
21 group.

22 How many private Facebook groups does
23 OutServe maintain?

24 A Eighty-two. So all of our chapters and
25 forums. And then we have a network group

1 for -- that every -- overall.

2 Q Okay. So there's a national network
3 group?

4 A Yes.

5 Q And then 81 other groups, and all those
6 other groups are either associated with local
7 chapters or forums?

8 A Correct.

9 Q Do you have any other groups for any
10 other purpose besides that?

11 A We have one for the board of directors
12 where they can -- you know, because of
13 dislocated camaraderie, as another one for the
14 staff, but not for membership.

15 Q Okay. So you call these groups
16 "private." What does that mean?

17 A So on Facebook, you are able to make
18 it -- make a group public or private. So that
19 indicates an individual not in the group cannot
20 see who is a member of the group. They need
21 permission to join the group and they cannot
22 see what is posted or shared in the group.

23 Q Can the public see that the group
24 exists?

25 A I don't believe so, no.

1 Q And who moderates the group?

2 A Staff members and chapter leaders.

3 Q And by "moderate," I mean who allows new
4 members to join? It would be staff members?

5 Or --

6 A Chapter leaders.

7 Q Chapter leaders.

8 Nobody else, though?

9 A No. Only staff members and chapter
10 leaders are given administrative privileges.

11 Q Okay. Are the posts in the groups
12 searchable?

13 A I don't think I understand the question.

14 Q Like, could somebody go into the
15 Facebook search bar and say I'm looking for --
16 you know, type in "Army"?

17 A OutServe?

18 Q OutServe Holloman Air Force Base or
19 something like that.

20 A I think if you were in the group on
21 Facebook, you can search in or pop in and
22 Google. I could be wrong about that. But,
23 like, a general member of the world would not
24 be able to do that, no.

25 Q Are the groups -- the existence of the

1 Q Does OutServe ever remove somebody from
2 a group?

3 A Yes.

4 Q Under what circumstances is somebody
5 removed from the group?

6 A If they violate a code of conduct.

7 Q Can you describe the code of conduct
8 more specifically?

9 A Sure. So, again, we're fostering an
10 environment -- I'm trying to speak slowly. I
11 apologize.

12 THE REPORTER: I appreciate it.

13 A We're fostering an environment where
14 people feel welcomed and supported. So if
15 somebody is going out of their way to ensure an
16 individual does not feel that way, they
17 shouldn't be a member of that community.

18 Q Okay. If you remove a member from a
19 group, is that the same as removing them from
20 membership of OutServe, or can they stay a
21 member of OutServe?

22 A So if we have to remove somebody from
23 the group, we consider that membership
24 terminated, and they are contacted directly by
25 myself.

1 staff members?

2 A No. That's not correct.

3 Q Oh, okay.

4 A We have two chapter leaders.

5 Q Two chapter leaders.

6 But the names of those chapter leaders
7 are also private?

8 A They're not known to the world. They're
9 known to the members in -- not even everybody
10 in my staff knows their name, but they're known
11 to the members of the group.

12 Q Are any of the chapter leaders also
13 plaintiffs in either the Harrison or Roe case?

14 MR. PERKOWSKI: On the Positive Forum?

15 Q Of the HIV-Positive Forum.

16 A No, they're not.

17 Q Would participants in OutServe's various
18 Facebook groups provide any direction to the
19 OutServe national organization regarding its
20 policies or initiatives?

21 A Solely by virtue of sharing their
22 experiences, concerns, and suggestions.
23 They're not able to vote or, like, override me
24 or anything like that.

25 Q Out of curiosity, how much time do you

1 and your staff spend reading the posts on the
2 various local and -- local chapter and forum
3 groups?

4 A Yeah. That's a great question. So
5 that's [REDACTED] and [REDACTED], who are members of
6 my staff. That's basically their entire job,
7 making sure administration runs smoothly. Our
8 chapter leaders are really dedicated to
9 monitoring those -- or not "monitoring," but
10 participating and encouraging participation.
11 They report to [REDACTED] and [REDACTED]. [REDACTED] and
12 [REDACTED] are a member of every single group and
13 forum, except for the Positive Forum because of
14 privacy.

15 And I'm also a member of every single
16 chapter and forum, so I get updates every time
17 somebody posts, which is a lot. And I'm able
18 to see those posts. So I -- I spend much more
19 time than I would like to admit on Facebook.

20 Q And you're -- you are a member of the
21 Positive Forum?

22 A I am.

23 Q But [REDACTED] and [REDACTED] are not?

24 A They're not.

25 Q Okay. But [REDACTED] and [REDACTED], they --

1 Q So no ideas or additional information
2 that could go into the lawsuits?

3 A So we've had armchair quarterbacking, of
4 course, but those are not --

5 THE REPORTER: You've had what?

6 A Armchair quarterbacking. Sorry. I'll
7 define that. Individuals who think that they
8 can provide that strategy and advice. However,
9 it's not taken into consideration by my legal
10 and policy team.

11 Q Okay. So is it even communicated to
12 your legal and policy team? Do they see it?

13 Or --

14 A No.

15 Oh, can I clarify? I apologize.

16 Q Absolutely.

17 A So the members that are part of those
18 groups see it, but we don't have a staff
19 meeting where I communicate it.

20 Q Right. Let's move on to talk about
21 OutServe's financing. As you mentioned, dues
22 are not required.

23 Can you tell me what OutServe's
24 approximate annual budget is?

25 A This year, it's 250,000.

1 team.

2 Q Which would include Lambda Legal?

3 A That would include Lambda Legal.

4 Q Do we need to take another break or do
5 you want to keep going?

6 A Can I get more water?

7 (A recess was taken.)

8 BY MS. CUTRI-KOHART:

9 Q So I want to go back to donations.

10 Since donating when combined with the
11 identity of being LGBT and a member of the
12 service makes you a member, can you quantify in
13 some way how many donations would come from
14 people who would not become a member after they
15 donate?

16 A So folks that are not part of the
17 service and identities, I would approximate
18 about 75 percent of our donations come from
19 people we consider members and the other
20 25 percent come from folks we consider allies.

21 Q Okay. And then I just want to kind of
22 clean up a few things about membership before
23 we move on to the next subject.

24 You do not maintain a list of all the
25 members of OutServe; is that correct? One

1 budget.

2 How much kind of percentage-wise would
3 you say the personal donations made up the
4 budget?

5 A A hundred percent or nearly a
6 hundred percent. Almost all of our money comes
7 from personal donations.

8 Q And of those personal donations, how
9 much in a percentage basis come from members?

10 A I would -- I would estimate 75 percent.

11 Q Okay. I want to talk a little bit about
12 membership -- the members' involvement in
13 the -- involvement or input in the direction of
14 the agency, okay?

15 A Okay.

16 Q In terms of selecting the leadership of
17 the agency, what type of input do members have?

18 A When you refer to "the agency," are you
19 referring to the chapters or the overall
20 organization?

21 Q Let's take it one by one.

22 So in terms of selecting the board of
23 directors, what kind of input do members have?

24 A They can apply themselves and they can
25 recommend. They do not vote themselves,

1 questions I have.

2 EXAMINATION BY COUNSEL FOR THE DEFENDANTS

3 BY MS. CUTRI-KOHART:

4 Q Okay. Just a few really quick questions
5 on what you were just asked about.

6 When you talked about the breakdown of
7 member versus nonmember donations, I just want
8 to break that down just a little bit further.

9 A Sure.

10 Q Of the member donations, how many were
11 -- what approximate percentage is from existing
12 members and which approximate percentage is
13 from people who became members by virtue of
14 their donation?

15 A I would estimate that 90 percent of that
16 75 percent were from existing members, and the
17 other 10 percent of that 75 percent became
18 members by virtue of their donation.

19 Q The next question I have, as we were
20 talking about making a nomination to the board
21 of directors, I just want to clarify: Only the
22 nominating committee can nominate somebody to
23 be on the board of directors; is that correct?

24 A So -- so to clarify, the nominating
25 committee receives the applications and then

EXHIBIT F

Deposition of Victor Voe

1 ***** C O N F I D E N T I A L *****
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF VIRGINIA
4 ALEXANDRIA DIVISION

5 -----
6 :
7 RICHARD ROE; VICTOR VOE; and :
8 :
9 OUTSERVE-SDLN, INC., :
10 :
11 Plaintiffs, :
12 :
13 v. : Civil Action No.
14 : 1:18-cv-1656-LMB-IDD
15 :
16 PATRICK M. SHANAHAN, in his :
17 :
18 official capacity as Acting :
19 :
20 Secretary of Defense, et al., :
21 :
22 Defendants. :
23 -----

24 Deposition of [REDACTED], a Plaintiff
25 herein, at the offices of United States Department of
26 Justice, 1100 L Street, N.W., Washington, D.C.,
27 commencing at 9:47 a.m. on Friday, March 15, 2019
28 and the proceedings being taken down by stenotype and
29 transcribed by Catherine B. Crump, a Notary Public in
30 and for the District of Columbia.

1 APPEARANCES:

2 On behalf of the Plaintiffs:

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16

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1 APPEARANCES: (Continued):

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9 matthew.skurnik@usdoj.gov

10 ALSO PRESENT: KRIS CARTER, ESQ.

11 United States Air Force

12

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1 that.

2 Q. On Instagram or Twitter, do you follow
3 any OutServe members?

4 A. I don't have either accounts.

5 Q. Do you participate with OutServe in any
6 way that we haven't yet discussed?

7 A. No.

8 Q. Do you consider yourself a member of
9 OutServe?

10 A. Yes.

11 Q. Why is that?

12 A. I joined their Facebook support group.

13 Q. Is that all you have to do to become a
14 member?

15 MS. INGELHART: Objection, calls for
16 speculation.

17 BY MR. SKURNIK:

18 Q. You can answer the question.

19 A. I don't know.

20 Q. Why do you consider yourself as having
21 been a member just by joining the Positive Forum?

22 MS. INGELHART: Objection, possibly a

EXHIBIT G

Deposition of S.H.

1 VIDEOTAPED ORAL DEPOSITION OF [REDACTED]
2 [REDACTED], produced at the instance of the
3 Defendant, in the above-styled and numbered cause on
4 the 5th day of March, 2019, at 9:23 a.m., before
5 Micheal A. Johnson, RDR, CRR, Notary Public in and
6 for the State of Texas, reported by realtime
7 stenographic means, at [REDACTED]
8 [REDACTED]
9 pursuant to Subpoena, and in accordance with the
10 Federal Rules of Civil Procedure.

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APPEARANCES

ON BEHALF OF THE PLAINTIFFS:

Kara N. Ingelhart
LAMBDA LEGAL
105 West Adams Street, Suite 2600
Chicago, Illinois 60603-6208
(312) 663-4413
kingelhart@lambdalegal.org

ON BEHALF OF THE DEFENDANTS

U.S. DEPARTMENT OF DEFENSE,
THE DEPARTMENT OF THE AIR FORCE
AND THE DEPARTMENT OF THE ARMY:

Rebecca Cutri-Kohart
U.S. DEPARTMENT OF JUSTICE
1100 L Street, NW
Washington, D.C. 20005
(202) 514-0265
rebecca.cutri-kohart@usdoj.gov

1 A. Do I expect to deploy?

2 BY MS. CUTRI-KOHART:

3 Q. If you stayed in your career field, would
4 you expect to deploy?

5 A. I would love to deploy, yes.

6 Q. Okay. So I think that covers kind of the
7 getting to know you stuff. Sounds like you've had a
8 great early career in the Air Force so far.

9 I'd like to talk a little bit about your
10 relationship with OutServe. When did you first
11 learn about this existence of OutServe?

12 A. I learned of this OutServe when my
13 supervisor, [REDACTED], when I first
14 told him about my diagnostics, basically, and so he
15 was like basically helping me with my process and he
16 was just like searching and he found OutServe and
17 pointed me in that direction.

18 Q. So about when was that?

19 A. That was around November.

20 Q. Of 2018?

21 A. Yes.

22 Q. How did you first contact OutServe?

23 A. I called them.

24 Q. You called them?

25 A. Actually, he called them first -- no, he

1 either e-mailed or called them first, then he
2 directed me to them.

3 Q. Your supervisor?

4 A. Yes. Then I called them.

5 Q. Okay. And when you called them, do you
6 remember who you spoke with?

7 A. I think her name was Karen.

8 Q. She can't help you.

9 A. Sorry.

10 Q. It's okay. Not a memory test. And when
11 you spoke to them, what did you speak about?

12 A. Just my situation --

13 MS. INGLEHART: Oh, objection.

14 BY MS. CUTRI-KOHART:

15 Q. I'm sorry. You can just say you asked
16 for legal advice, if that's what you did. I don't
17 want you to talk about the character of any legal
18 advice you got.

19 A. Okay.

20 Q. Is that what you did? Did you ask for
21 legal advice?

22 A. Legal advice.

23 Q. And then did you know about the existence
24 of these lawsuits before you contacted OutServe?

25 A. No.

EXHIBIT H

Deposition of D.N.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION
4

5 NICHOLAS HARRISON and
6 OUTSERVE-SLDN, INC.,
7 Plaintiffs, Case No.
8 vs. 1:18-cv-641-LMB-IDD

9 JAMES N. MATTIS, in his
10 official capacity as
11 Secretary of Defense;
12 MARK ESPER, in his
13 official capacity as the
14 Secretary of the Army; and
15 the UNITED STATES DEPARTMENT
16 OF DEFENSE,
17 Defendants.

18 _____/

19 ** CONFIDENTIAL **

20 ORAL DEPOSITION OF [REDACTED]

21 [REDACTED]

22 TUESDAY, MARCH 12, 2019

23
24 Reported by: DEBORAH HABIAN, CSR, RMR, CRR, CLR
25 JOB NO. 84642

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION
4

5 RICHARD ROE, VICTOR VOE,
6 and OUTSERVE-SLDN, INC.,

7 Plaintiffs, Case No.
8 vs. 1:18-cv-01565-LMB-IDD

9 JAMES N. MATTIS, in his
10 official capacity as
11 Secretary of Defense;
12 MARK ESPER, in his
13 official capacity as the
14 Secretary of the Army; and
15 the UNITED STATES DEPARTMENT
16 OF DEFENSE,
17 Defendants.

18 _____/

19 ** CONFIDENTIAL **

20 ORAL DEPOSITION OF [REDACTED]
21 [REDACTED]

22 TUESDAY, MARCH 12, 2019

23
24 Reported by: DEBORAH HABIAN, CSR, RMR, CRR, CLR
25 JOB NO. 84642

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I N D E X

WITNESS: PAGE

[REDACTED]

Examination by Ms. Cutri-Kohart 6

Examination by Ms. Ingelhart 72

REQUESTS AND INSTRUCTIONS OF COUNSEL

By Ms. Ingelhart 54

DEFENDANT EXHIBITS TO NEAL DEPOSITION

NUMBER	DESCRIPTION	PAGE
Exhibit A	[REDACTED] 9/28/18	78
	Memorandum for SAF/MRBP	

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March 12, 2019
9:02 A.M. CST

Confidential oral deposition of
[REDACTED] taking place at the offices of
the United States Attorney, [REDACTED]
[REDACTED] pursuant
to subpoena, before DEBORAH HABIAN, Missouri
Certified Court Reporter, Illinois Certified
Shorthand Reporter, Registered Merit Reporter,
Certified Realtime Reporter, Certified Livenote
Reporter.

1 deployable?

2 A. So that's something that I haven't
3 really looked up, but I've always been told
4 that's a highly deployable career field.

5 Q. Do you know if your colleagues in
6 Security Forces, if they have deployed before?

7 A. So I know of colleagues that have
8 deployed multiple times and I've known some that
9 have gone their whole enlistment without
10 deploying and they've been in for like four more
11 years.

12 Q. When you joined the Air Force, did you
13 expect to be deploy during your enlistment?

14 A. Yes.

15 Q. Okay, thanks for telling me about
16 yourself. Interesting career so far.

17 I want to talk a little bit now about
18 your relationship with OutServe.

19 A. Okay.

20 Q. Can you tell me when you first learned
21 about OutServe?

22 A. I first learned about OutServe in
23 December. I was just looking up -- I had told
24 my mom that the Air Force was trying to separate
25 me, so we was looking for lawyers and like legal

1 representation and my mom had found OutServe.

2 Q. So did she find it with a Google search
3 or an internet search?

4 A. Yes. She actually found a case that
5 involved Roe and Voe. I believe that's the
6 names.

7 Q. Um-hum. So that was about December.
8 Did you contact OutServe right away when you
9 learned about it?

10 A. Yes.

11 Q. How did you contact them?

12 A. So it was either -- it was through
13 phone, but I got their number through the
14 article that brought me either to Lambda Legal's
15 web page or OutServe's web page.

16 Q. Before your mom told about OutServe,
17 had you heard of any other Service members being
18 a part of OutServe or anything about what they
19 did?

20 A. No.

21 Q. Had you heard about Lambda Legal
22 before?

23 A. No.

24 Q. So you called OutServe. Do you
25 remember about when you called them the first

EXHIBIT I

Deposition of Richard Roe

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***** C O N F I D E N T I A L *****

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

RICHARD ROE; VICTOR VOE; and	:	
OUTSERVE-SDLN, INC.,	:	
Plaintiffs,	:	
v.	:	Civil Action No.
PATRICK M. SHANAHAN, in his	:	1:18-cv-1656-LMB-IDD
official capacity as Acting	:	
Secretary of Defense, et al.,	:	
Defendants.	:	

Deposition of [REDACTED] a Plaintiff
herein, at the offices of United States Department of
Justice, 1100 L Street, N.W., Washington, D.C.,
commencing at 9:24 a.m. on Thursday, March 14, 2019
and the proceedings being taken down by stenotype and
transcribed by Catherine B. Crump, a Notary Public in
and for the District of Columbia.

1 APPEARANCES:

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1 APPEARANCES: (Continued):

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10 ALSO PRESENT: CHARLES GARTLAND, ESQ.

11 United States Air Force

12

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1 okay?

2 A. Yes, sir.

3 Q. So I want you to be comfortable during
4 this process. That means if you need a break at any
5 time, for any reason, you should tell me or your
6 attorney. We'll finish your answer if I've already
7 asked the question and then we'll see about a break.
8 Does that make sense?

9 A. Yes, sir.

10 Q. We also have coffee and water if you
11 want it. Just let me know at any time.

12 A. All right.

13 Q. Sometimes it might happen that you give
14 an answer as completely as you think you can at the
15 moment, but then later on, you remember that you have
16 something to add to that, to add to your previous
17 answer. So if this happens to you, I would like you
18 to tell me that you want to add something to your
19 earlier answer, and it's totally fine and we'll
20 discuss that question at the moment.

21 Does that work for you?

22 A. Yes, sir.

1 Q. There will be regular intervals
2 throughout the deposition where you will be able to
3 provide any additional information or clarification.
4 So please don't feel worried about speaking up.

5 A. Okay.

6 Q. In addition, sometimes people will give
7 an answer and then, later on, remember that their
8 earlier answer was not completely accurate. That,
9 again, is totally fine. You would just need to tell
10 me that you want to change something about a previous
11 answer, and we'll do it then, but I do ask that you
12 do it during this deposition. Is that okay?

13 A. Yes, sir.

14 Q. You understood that you took an oath at
15 the beginning of the deposition. Correct?

16 A. Yes, sir.

17 Q. Do you understand the nature of that
18 oath?

19 A. Yes, sir.

20 Q. That oath requires you to fully answer
21 each question to the extent you can, and if you are
22 not sure of an answer or don't have a complete

1 receiving it.

2 MR. ABBUHL: Can we go off the record for a
3 second.

4 [Recess.]

5 BY MR. ABBUHL:

6 Q. We're going to change topics a little
7 bit and ask you some questions about your
8 relationship to OutServe now.

9 A. Okay.

10 Q. When would you say you first learned
11 about OutServe?

12 A. I would say while I was in the MEB
13 process.

14 Q. Remind me when that started.

15 A. It started [REDACTED]

16 Q. Do you think you learned about OutServe
17 in [REDACTED]?

18 A. No. It would have been at the end of
19 the MEB process.

20 Q. Do you have an estimate of a month?

21 A. Probably, around April of 2018.

22 Q. And how did you learn about OutServe?

1 A. There was an individual who sent me a
2 link about the Harrison case.

3 Q. When you say "a link", was that a link
4 to a website or something else?

5 A. It was a link to their website.

6 Q. OutServe's website?

7 A. Correct.

8 Q. And the link discussed the Harrison
9 case?

10 A. Correct.

11 Q. Who was the individual who sent you that
12 link?

13 A. His name?

14 Q. Sure.

15 A. ██████ Do you need the last name?

16 Q. Please.

17 A. ██████████

18 Q. Could you spell that?

19 A. Accurately? Can I use my phone?

20 Q. Is it something close to ████████████████████

21 A. I believe it's ████████ but I'm not a
22 hundred percent sure.

1 Q. [REDACTED], approximately?

2 A. Yes.

3 Q. Who is [REDACTED]?

4 A. A friend.

5 Q. In the Air Force?

6 A. Yes.

7 Q. How do you know [REDACTED]?

8 A. We are in the same career field.

9 Q. [REDACTED]?

10 A. Yes.

11 Q. When did you meet [REDACTED]?

12 A. I do not recall.

13 Q. Have you been stationed together?

14 A. No.

15 Q. Where has [REDACTED] been stationed?

16 A. I know he's currently stationed in

17 [REDACTED].

18 Q. Do you know anywhere else he's been

19 stationed?

20 A. I do not.

21 Q. Why did he send you the link about the

22 Harrison case?

1 A. I asked him for a character statement.

2 Q. You asked him for a character statement
3 to submit in your medical processing?

4 A. Correct.

5 Q. He knew about the Nick Harrison case and
6 sent you the link?

7 A. Correct.

8 Q. You said that was the first you had
9 heard of OutServe. Correct?

10 A. To my knowledge, yes.

11 Q. When you said it's a link to an OutServe
12 website, was it a Facebook page or a normal website
13 or what was it?

14 A. Normal website.

15 Q. Not Facebook?

16 A. No.

17 Q. What was on the website page?

18 A. It was an article about the case.

19 Q. Was there anything else on the page you
20 looked at?

21 A. Not that I recall.

22 Q. Did you click around the page at all?

EXHIBIT J

Deposition of D.L.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

RICHARD ROE, VICTOR ROE, and)
OUTSERVE-SLDN, INC.,)

Plaintiffs,)

vs.)

JAMES N. MATTIS, in his official)
capacity as Secretary of Defense;)
HEATHER A. WILSON, in her)
official capacity as Secretary of)
the Air Force; and the United)
STATES DEPARTMENT OF DEFENSE,)

Defendants.)
_____)

DEPOSITION OF
[REDACTED]

Taken on Behalf of the Defendants

DATE TAKEN: March 5, 2019
tIME: 10:06 AM - 11:43 AM
PLACE: [REDACTED]

1 APPEARANCES:

2 On Behalf of the Plaintiff:

OS SLDN

3 BY: PETER E. PERKOWSKI, ESQ.

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6 On Behalf of the Defendant:

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7 BY: KATE BAILEY, ESQ.

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8 Washington, DC 20530

kate.bailey@usdoj.gov

9

-and-

10

U.S. Army Legal Services Agency

11 BY: MAJOR W. CASEY BIGGERSTAFF, ESQ.

9275 Gunston Road, Suite 3018

12 Fort Belvoir, Virginia 22060-5546

william.c.biggerstaff.mil@mail.mil

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1 support of the plaintiff's claim?

2 A. Correct.

3 Q. Great. And do you know any more about the
4 lawsuits for which you're being deposed, what the
5 claims are involved in those cases?

6 A. Only the first individual because that's how
7 I kind of got linked up with Outserve.

8 Q. Okay. We'll explore that more later.

9 A. Fine.

10 Q. Well, can tell me how you did become involved
11 in these lawsuits?

12 A. Well, I reached out to a couple of friends of
13 mine, told them the situation, and one of them sent me
14 a link to the case of a gentleman, I forgot his name.

15 Q. That's okay.

16 A. His case, the first case. And I just looked
17 on the link and saw that -- you know, what the
18 organization was that represented him, reached out to
19 them and kind of explained my situation and went from
20 there.

21 Q. So when you say you told some friends about
22 your situation, are you referring to the decision to
23 defer your command?

24 A. Yes.

25 Q. So you became involved with these lawsuits

EXHIBIT K

Declaration of J.B.

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

RICHARD ROE, ET AL.,

PLAINTIFFS,

v.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

v.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

FILED UNDER SEAL

**DECLARATION OF [REDACTED] IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS' RENEWED MOTIONS TO DISMISS
PLAINTIFF OUTSERVE-SLDN**

1. My name is [REDACTED] and until recently I was a [REDACTED] in the U.S. Air Force. I previously participated in this case as "J.B.," one of the Airmen that OutServe-SLDN informed the Court was being separated based on HIV.

2. I initially sought legal services from OutServe-SLDN because I had received notice that I was being separated from the U.S. Air Force based on my HIV status. At the time, I wanted to be retained as an Airman. I therefore asked OutServe-SLDN to act on my behalf to prevent my discharge, and I understand that it submitted information to the Court about my personal circumstances to assist in that effort.

3. After OutServe-SLDN submitted my information to the Court, however, I began to reconsider whether I wanted to remain in the Air Force. But I was unsure. When I

expressed my uncertainty to Peter Perkowski, OutServe-SLDN's Legal Director, he told me that OutServe-SLDN would stop using me to support the case for a preliminary injunction.

4. Subsequently, Mr. Perkowski reached out to me several times to confirm my intentions with respect to my continued military service, but I did not respond. I did communicate by text with Mr. Perkowski in late March. At that time, I told Mr. Perkowski that I was still unsure whether I wanted to stay in or get out. Mr. Perkowski explained to me the legal issues, and I told him I would have to think about it.

5. After I spoke to Mr. Perkowski in [REDACTED], I subsequently decided to accept the Air Force's decision and separate with a disability retirement. I never informed Mr. Perkowski of my decision; though he reached out to me a couple of times, I didn't respond.

6. I am making this declaration voluntarily and, to the extent necessary, waiving the attorney-client privilege that may apply to my conversations with Mr. Perkowski on this subject.

7. My decision to accept my disability separation is not an indication of whether I support the efforts of Plaintiffs in the present litigation. In fact, I believe that people living with HIV should not be separated because of their HIV status and should be allowed to serve without restrictions on deployment. Personally, though, I decided that it was an appropriate time to bring my own service in the Air Force to an end. As far as I can tell, that choice is consistent with the position Plaintiffs are advocating in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 16th day of May, 2019.

[REDACTED]

EXHIBIT L

*Plaintiffs' Response to Defendants'
Interrogatories, No. 1*

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

RICHARD ROE, ET AL.,

PLAINTIFFS,

v.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

V.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**PLAINTIFF OUTSERVE-SLDN. INC.'S OBJECTIONS TO
DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Local Rule 26(C) and Federal Rule of Civil Procedure 33, Plaintiff OutServe-SLDN, Inc., through undersigned counsel, provides the following objections and responses to Defendant's 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.

OBJECTIONS TO SPECIFIC INTERROGATORIES

Interrogatory No. 1. Explain in detail the basis of the allegations or assertions that each individual plaintiff in *Harrison v. Shanahan*, Case No. 1:18-cv-641 (E.D. Va.), and *Roe v. Shanahan*, 1:18-cv-1565 (E.D. Va.), and each declarant identified by OutServe in those cases, are members of OutServe.

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

Response: Each of the named plaintiffs, the declarants, and Airmen identified in the Declaration of Peter Perkowski is a member of communities that OutServe-SLDN serves: that is, each is an active duty member of the Armed Forces, and each identifies as LGBTQ and/or living with HIV. In addition, each of the named plaintiffs, the declarants, and the Airman identified in the Declaration of Peter Perkowski, has taken steps to become a member of OutServe, as follows:

Plaintiff Nick Harrison is member of OutServe-SLDN's Chapters and Forums and participates in Chapter activities, subscribes to OutServe-SLDN's mailing list; donates to OutServe-SLDN, has accessed OutServe-SLDN's services, and serves on OutServe-SLDN's Military & Veterans Advisory Council ("MAC"). Specifically, SGT Harrison was added to OutServe-SLDN's Positive Forum on 8 February 2014, and he joined the OutServe-SLDN Network Facebook Group on March 7, 2012. In addition, when deployed to Kuwait in or around 2012, SGT Harrison participated in activities of the Kuwait chapter, including by attending and helping organize social events. SGT Harrison first accessed OutServe-SLDN's legal services by communicating with the OutServe-SLDN legal team and asking for legal advice and assistance on or about 15 June 2016. SGT Harrison subscribed to OutServe-SLDN's mailing list prior to 20 August 2018 and has been receiving and viewing newsletters and other communications since then. (SGT Harrison was added manually to the mailing list, along with all other subscribers, on 20 August 2018 when OutServe-SLDN's communications team re-calibrated the newsletter distribution lists to separate the members' newsletter and the media contacts list.) SGT Harrison joined the MAC in October 2018. SGT Harrison has also made donations to OutServe-SLDN.

Plaintiff Roe is a member of OutServe-SLDN's Chapters and Forums, subscribes to OutServe-SLDN's mailing list, and has accessed OutServe-SLDN's services. Specifically, Plaintiff Roe was added to OutServe-SLDN's Positive Forum on 19 December 2018. Plaintiff Roe first accessed OutServe-SLDN's legal services by contacting the OutServe-SLDN Legal Help Desk, through the "Contact Us" page on OutServe-SLDN's website, on 31 May 2018, and requesting legal advice and assistance. Plaintiff Roe subscribed to OutServe-SLDN's mailing list on 31 May 2018 and has been receiving and viewing newsletters and other communications since then. (Plaintiff Roe was added manually to the mailing list, along with all other subscribers, on 20 August 2018 when OutServe-SLDN's communications team re-calibrated the newsletter distribution lists to separate the members' newsletter and the media contacts list.)

Plaintiff Voe is a member of OutServe-SLDN's Chapters and Forums and has accessed OutServe-SLDN's services. Specifically, Plaintiff Voe was added to OutServe-SLDN's Positive Forum on 21 June 2018. Plaintiff Voe first accessed OutServe-SLDN's legal services by contacting a member of the OutServe-SLDN legal team by email on 21 June 2018, requesting legal advice and assistance.

██████████ has accessed OutServe-SLDN's services. Specifically, ██████████ first accessed OutServe-SLDN's legal services by contacting a member of the legal team in mid-to-late June 2018, requesting legal advice and assistance.

Senior Airman K.R. is a member of OutServe-SLDN's Chapters and Forums and has accessed OutServe-SLDN's services. Specifically, SrA K.R. was added to OutServe-SLDN's Positive Forum on 3 January 2019. SrA K.R. first accessed OutServe-SLDN's legal services by contacting a member of the OutServe-SLDN legal team in late December 2018, after Plaintiffs filed the Complaint in *Roe v. Shanahan*, and requesting legal advice and assistance.

Senior Airman S.H. is a member of OutServe-SLDN's Chapters and Forums and has accessed OutServe-SLDN's services. Specifically, SrA S.H. was added to OutServe-SLDN's Positive Forum on 26 December 2018. SrA K.R. first accessed OutServe-SLDN's legal services by contacting a member of the OutServe-SLDN legal team on or about 17 December 2018, after Plaintiffs filed the Complaint in *Roe v. Shanahan*, and requesting legal advice and assistance.

Senior Airman D.N. is a member of OutServe-SLDN's Chapters and Forums and has accessed OutServe-SLDN's services. Specifically, SrA D.N. was added to OutServe-SLDN's Positive Forum on 6 January 2019. SrA K.R. first accessed OutServe-SLDN's legal services by contacting a member of the OutServe-SLDN legal team on or about 20 December 2018, after Plaintiffs filed the Complaint in *Roe v. Shanahan*, and requesting legal advice and assistance.

Staff Sergeant J.B. is a member of OutServe-SLDN's Chapters and Forums and has accessed OutServe-SLDN's services. Specifically, SSgt J.B. was added to OutServe-SLDN's Positive Forum on 5 January 2019. SSgt J.B. first accessed OutServe-SLDN's legal services by contacting a member of the OutServe-SLDN team on or about 21 December 2018, after Plaintiffs filed the Complaint in *Roe v. Shanahan*, and requesting legal advice and assistance.

Senior Airman Q.S. is a member of OutServe-SLDN's Chapters and Forums and has accessed OutServe-SLDN's services. Specifically, SrA Q.S. was added to OutServe-SLDN's Positive Forum on 22 February 2019. SrA Q.S. first accessed OutServe-SLDN's legal services by contacting the OutServe-SLDN Legal Help Desk, through the "Contact Us" page on OutServe-SLDN's website, on 5 January 2019, after Plaintiffs filed the Complaint in *Roe v. Shanahan*, and requesting legal advice and assistance.