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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LOG CABIN REPUBLICANS, a non-
profit corporation,

Plaintiff,

v.

UNITED STATES OF AMERICA and
ROBERT M. GATES, SECRETARY
OF DEFENSE, in his official capacity,

Defendants.

Case No. CV 04-8425 VAP (Ex)

**[PROPOSED] JUDGMENT AND
PERMANENT INJUNCTION**

Judge: Hon. Virginia A. Phillips

Complaint filed: October 12, 2004
Trial Date: July 13, 2010

1 This action was tried by Judge Virginia A. Phillips without a jury on July 13-
2 16 and 20-23, 2010. The Court filed a Memorandum Opinion on September 9,
3 2010 (Doc. 232), and Findings of Fact and Conclusions of Law. For all the reasons
4 set forth therein:

5 IT IS ORDERED that the statute and policy known as “Don’t Ask, Don’t
6 Tell,” codified at 10 U.S.C. § 654 and implemented by regulations comprising
7 Department of Defense Directives 1332.14 (1993), 1332.30 (1997), and 1304.26
8 (1993), as modified by Department of Defense Instructions 1332.14 (2008)
9 (incorporating March 29, 2010 changes) and 1332.30 (2008) (incorporating March
10 29, 2010 changes), are declared to infringe the fundamental rights of United States
11 servicemembers and prospective servicemembers and violate (a) the substantive
12 due process rights guaranteed under the Fifth Amendment to the United States
13 Constitution and (b) the rights to freedom of speech and association and to petition
14 the Government for redress of grievances guaranteed by the First Amendment to
15 the United States Constitution.

16 IT IS FURTHER ORDERED that the defendants the United States of
17 America and the Secretary of Defense, their agents, servants, officers, employees,
18 and attorneys, and all persons acting in participation or concert with them or under
19 their direction or command, are permanently enjoined from enforcing or applying
20 the statute and policy known as “Don’t Ask, Don’t Tell,” including any
21 implementing regulations, against any person under their jurisdiction or command,
22 and from taking any actions whatsoever, or permitting any person or entity to take
23 any action whatsoever, against gay or lesbian servicemembers, or prospective
24 servicemembers, that in any way affects, impedes, interferes with, or influences
25 their military status, advancement, evaluation, duty assignment, duty location,
26 promotion, enlistment or reenlistment based upon their sexual orientation; and they
27 are further ORDERED to immediately suspend and discontinue any investigation,
28 or discharge, separation, or other proceeding, that may have been commenced

1 under 10 U.S.C. § 654 and/or its implementing regulations on or prior to the date of
2 this Judgment.

3 IT IS FURTHER ORDERED that the plaintiff Log Cabin Republicans may
4 apply to recover from the United States its attorneys' fees pursuant to the Equal
5 Access to Justice Act, 28 U.S.C. § 2412, in accordance with the provisions of that
6 Act.

7 IT IS FURTHER ORDERED that the plaintiff Log Cabin Republicans shall
8 recover its costs of suit herein to the extent allowed by law.

9 **IT IS SO ORDERED.**

10
11 Dated: _____
12 _____
13 Clerk of the United States District Court

14 PRESENTED BY:
15 WHITE & CASE LLP

16 By: /s/ Earle Miller
17 Earle Miller
18 Attorneys for Plaintiff
19 Log Cabin Republicans
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