

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

NAVY SEALS 1-3, et al.,

Plaintiffs,

v.

LLOYD AUSTIN, III, in his official capacity as
Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

**DEFENDANTS' SUPPLEMENTAL APPENDIX IN SUPPORT OF THEIR INITIAL
SUPPLEMENTAL BRIEF IN SUPPORT OF THEIR ASSERTION OF MOOTNESS**

Table of Appendix

Bates Stamps	Description
App002–App-004	Declaration of Martin Pompeo

Dated: September 12, 2023

Respectfully submitted,

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Director, Federal Programs Branch

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/s/ Liam C. Holland
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Exhibit 1

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FOR THE NORTHERN DISTRICT OF TEXAS**

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Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF MARTIN POMPEO

I, Mr. Martin Pompeo, hereby state and declare as follows:

1. I am a civilian government service employee in the Department of the Navy, currently serving as the Deputy Assistant Commander Navy Personnel Command for Career Progression (PERS-8B), located in Millington, Tennessee at the Naval Support Activity Mid-South. I make this declaration in my official capacity, based upon my personal knowledge and upon information that has been provided to me in the course of my official duties.

2. I have been assigned to my current position since December 2018. Prior to my current assignment, I served as a CAPTAIN in the U.S. Navy and retired in November 2018. My last assignment was as the Director for Career Progression at Navy Personnel Command. As part of my duties currently, I am responsible to the Commander for supervising the management of all active-duty enlisted and officer separations within the U.S. Navy. As the Deputy Assistant Commander, I have access to active-duty officer and enlisted personnel records, and I am able to confirm the basis for the separation of Sailors assigned to the Naval Special Warfare (aka SEALs), Explosive Ordnance Disposal, and U.S. Navy Diving communities, including the original plaintiffs.

3. On September 8, 2023, I reviewed the service status of the 35 pseudonymous plaintiffs in the above captioned litigation. After reviewing the Bureau of Personnel records, I affirm that the following fifteen pseudonymous plaintiffs voluntarily separated or retired from the Navy for the reasons stated in the parentheticals below:

SWCC 3 (Separated at End of Active Obligated Service) December 2022

Navy SEAL 17 (Separated at End of Active Obligated Service) March 2022

Navy SEAL 18 (Medically Retired / Transferred to Permanent Disability Retirement List) September 2022

Navy SEAL 11 (Retired) September 2022

Navy SEAL 21 (Separated at End of Active Obligated Service) September 2022

Navy SEAL 7 (Separated at End of Active Obligated Service) November 2022

Navy Diver 3 (Separated at End of Active Obligated Service) January 2022

Navy SEAL 8 (Medically Retired / Transferred to Temporary Disability Retirement List) February 2023

Navy SEAL 19 (Separated at End of Active Obligated Service) January 2023

Navy SEAL 26 (Medically Retired / Transferred to Temporary Disability Retirement List) April 2023

SWCC 2 (Separated at End of Active Obligated Service) May 2023

Navy Diver 1 (Separated at End of Active Obligated Service) May 2022

Navy SEAL 3 (Medically Retired / Transferred to Permanent Medical Retirement) May 2023

Navy SEAL 6 (Separated at End of Active Obligated Service) September 2022

Navy SEAL 4 (Separated at End of Active Obligated Service) October 2022

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th day of September, 2023.



M. POMPEO