IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE J. SCHROER,

Plaintiff,

v.

JAMES H. BILLINGTON,
Librarian of Congress,

Defendant.

No. 05-cv-1090 (JR)

DECLARATION OF SHARON M. McGOWAN

Pursuant to 28 U.S.C. § 1746, I, Sharon M. McGowan, declare as follows:

1. I am a Staff Attorney at the ACLU's Lesbian Gay Bisexual Transgender Rights Project, and I am counsel for Plaintiff in this case.

2. Affixed as Exhibit A to this declaration is a true and correct copy of excerpts from the deposition of Charlotte Preece, taken in this action on January 11, 2007.

3. Affixed as Exhibit B to this declaration is a true and correct copy of excerpts from the deposition of Cynthia Wilkins, taken in this action on September 20, 2006.

4. Affixed as Exhibit C to this declaration is a true and correct copy of excerpts from the deposition of Dr. Sandra Charles, M.D., taken in this action on October 25, 2006.

5. Affixed as Exhibit D to this declaration is a true and correct copy of excerpts from the deposition of Francis Miko, taken in this action on March 14, 2008.

6. Affixed as Exhibit E to this declaration is a true and correct copy of excerpts from the deposition of Steve Bowman, taken in this action on March 14, 2008.

7. Affixed as Exhibit F to this declaration is a true and correct copy of excerpts from the deposition of Gary Pagliano, taken in this action on March 13, 2008.

8. Affixed as Exhibit G to this declaration is a true and correct copy of excerpts from the deposition of Kenneth Lopez, taken in this action on March 17, 2008.

9. Affixed as Exhibit H to this declaration is a true and correct copy of excerpts from the deposition of Walter Bockting, taken in this action on February 22, 2007.

10. Affixed as Exhibit I to this declaration is a true and correct copy of excerpts from the deposition of Peter Nelson, taken in this action on April 4, 2008.

11. Affixed as Exhibit J to this declaration is a true and correct copy of Library of Congress Regulation 2024-6.

12. Affixed as Exhibit K to this declaration is a true and correct copy of the Final Referral List for the Terrorism Specialist position.

13. Affixed as Exhibit L to this declaration is a true and correct copy of the incomplete hiring memorandum prepared by Charlotte Preece recommending Plaintiff for the Terrorism Specialist position.

14. Affixed as Exhibit M to this declaration is a true and correct copy of Defendant's Combined Response to Plaintiff's First Set of Interrogatories and First Request for Production of Documents, served on July 21, 2006.

15. Affixed as Exhibit N to this declaration is a true and correct copy of Defendant's Response to Plaintiff's Sixth Set of Interrogatories, served on February 25, 2008.

16. Affixed as Exhibit O to this declaration is a true and correct copy of an excerpt of a transcript of a discovery conference with the Court, taken in this action on March 14, 2008.

17. Affixed as Exhibit P to this declaration is a true and correct copy of an excerpt from Taber's Cyclopedic Medical Dictionary (2005).

18. Affixed as Exhibit Q to this declaration is a true and correct copy of the computer print-out of Plaintiff's on-line application for the position of Specialist in Terrorism and International Crime.

19. Affixed as Exhibit R to this declaration is a true and correct copy of two e-mails sent by Charlotte Preece on December 21, 2004.

20. Affixed as Exhibit S to this declaration are true and correct copies of notes from the Reference Check Forms for Plaintiff.

21. Affixed as Exhibit T to this declaration is a true and correct copy of Defendant's annual and sick leave policies.

22. Affixed as Exhibit U to this declaration is a true and correct copy of the job posting for the "Specialist in Terrorism and International Crime."

23. Affixed as Exhibit V to this declaration is a true and correct copy of the decision in Creed v. Family Express Corp., No. 3:06-CV-465RM, 2007 WL 2265630 (N.D. Ind. Aug. 3, 2007).

24. Affixed as Exhibit W to this declaration is a true and correct copy of the decision in Mitchell v. Axcan Scandipharm, Inc., No. Civ. A. 05-243, 2006 WL 456173 (W.D. Pa. Feb. 17, 2006).

25. Affixed as Exhibit X to this declaration is a true and correct copy of the decision in Tronetti v. TLC HealthNet Lakeshore Hosp., No. 03-CV-0375E(SC), 2003 WL 22757935 (W.D.N.Y. Sept. 26, 2003).

26. Affixed as Exhibit Y to this declaration is a true and correct copy of the decision in Doe v. United Consumer Fin. Servs., No. 1:01 CV 1112, 2001 WL 34350174 (N.D. Ohio Nov. 9, 2001).

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

Dated: June 18, 2008

Sharon M. McGowan