

**Volker Keith MEINHOLD,
Plaintiff**

v.

**UNITED STATES DEPARTMENT OF DEFENSE et al.,
Defendants.**

No. CV 92-6044 TJH (JRX).

United States District Court, C.D. California.

Sept. 30, 1993.

HATTER, District Judge:

The Court, having considered the cross motions for summary judgment, with the moving and opposing papers,

It is Ordered, Adjudged and Decreed, that Meinhold's motion for summary judgment be, and hereby is Granted.

It is further Ordered, Adjudged and Decreed, that the defendants' motion for summary judgment be, and hereby is, Denied.

It is further Ordered, Adjudged and Decreed, that the Department of Defense and its agents, servants, employees and those persons in active participation and concert with it, be, and hereby are, Permanently Enjoined from discharging, changing enlistment status or denying enlistment to any person based on sexual orientation in the absence of proven sexual conduct--if such conduct is proven to interfere with the military mission of the armed forces of the United States.

It is further Ordered, Adjudged and Decreed, that the Department of Defense and its agents, servants, employees and those persons in active participation and concert with it, be, and hereby are, Permanently Enjoined from creating or maintaining, or permitting any person or entity to create or maintain, any record or file, including, but not limited to, lists, evaluations, reports, classifications, and designations, whether official or unofficial, at any level of command, of any member of the armed forces of the United States, which is based on sexual orientation in the absence of proven sexual conduct--if such conduct is proven to interfere with the military mission of the armed forces of the United States.

It is further Ordered, Adjudged and Decreed, and the Department of Defense and its agents, servants, employees and those persons in active participation and concert with it, be, and hereby are, Permanently Enjoined from taking any actions whatsoever, or permitting any person or entity to take any action whatsoever, against gay or lesbian service members, or prospective service members, that in any way affects, impedes, interferes with, or influences their military status, advancement, evaluation, duty assignment, duty location, promotion, enlistment or reenlistment based upon their sexual orientation in the absence of proven sexual conduct--if such conduct is proven to interfere with the military mission of the armed forces of the United States.

It is further Ordered, Adjudged and Decreed, that sexual status alone is not sufficient to establish sexual conduct.

It is further Ordered, Adjudged and Decreed, that Meinhold's discharge from the United States Navy be, and hereby is, Rescinded.