

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DRAGOVICH; MICHAEL GAITLEY;
ELIZABETH LITTERAL; PATRICIA
FITZSIMMONS; CAROLYN LIGHT; and
CHERYL LIGHT; on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
TREASURY; TIMOTHY GEITHNER, in his
official capacity as Secretary of the
Treasury, United States Department of
the Treasury; INTERNAL REVENUE
SERVICE; DOUGLAS SHULMAN, in his
official capacity as Commissioner of
the Internal Revenue Service; BOARD
OF ADMINISTRATION OF CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
and ANNE STAUSBOLL, in her official
capacity as Chief Executive Officer,
CalPERS,

Defendants.

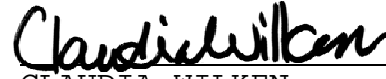
No. C 10-01564 CW
ORDER REGARDING
FEDERAL
DEFENDANTS'
MOTION FOR
CLARIFICATION
(Docket No. 59)

Federal Defendants have filed a motion for clarification of
the Court's January 18, 2011 Order Denying Federal Defendants'
Motion to Dismiss. Docket No. 59. The Court clarifies that,
because Plaintiffs are legally married, it was not necessary to
rule on whether Plaintiffs have stated a claim that I.R.C.
§ 7702B(f), separate and apart from 1 U.S.C. § 7 (section three of

1 the Defense of Marriage Act), is unconstitutional. The Court does
2 not understand Plaintiffs to be making such a claim.

3 IT IS SO ORDERED.

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6 Dated: 2/9/2011



CLAUDIA WILKEN
United States District Judge

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