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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; CHERYL
LIGHT; JOANNE SCHMIDT; REIDE GARNETT;
DAVID BEERS and CHARLES COLE, 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 EXPEDITING
BRIEFING ON
BIPARTISAN LEGAL
ADVISORY GROUP OF
THE U.S. HOUSE OF
REPRESENTATIVES'
MOTION TO
INTERVENE FOR A
LIMITED PURPOSE
(Docket No. 72)

United States District Court
For the Northern District of California

The Bipartisan Legal Advisory Group of the United States House
of Representative (the House) moves for leave to intervene as a
party defendant in the present action. Docket No. 72. The House
seeks to intervene for the limited purpose of litigating the

1 constitutional of section three of the Defense of Marriage Act
2 under the equal protection component of the Fifth Amendment's Due
3 Process Clause in the context of a motion or cross-motion for
4 summary judgment, and/or noticing an appeal from any final judgment
5 by this Court holding that the provision is unconstitutional.

6 The motion indicates that federal Defendants, the United
7 States Department of the Treasury, Timothy Geithner, the Internal
8 Revenue Service and Douglas Shulman, do not oppose the House's
9 intervention as a party, but federal Defendants intend to file a
10 response explaining their position. The House also states that
11 non-federal Defendants, the Board of Administration of California
12 Public Employees' Retirement System and Anne Stausboll, do not
13 oppose its motion. However, according to the House, Plaintiffs
14 intend to argue that it should be required to participate as amicus
15 rather than as a party.

16 In the interest of expeditiously resolving the manner in which
17 the House will participate in this action, the parties that wish to
18 respond and/or oppose its motion to intervene shall do so by May
19 10, 2011. The House may submit a reply on or before May 17, 2011.

20 IT IS SO ORDERED.

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Dated: 5/3/2011



CLAUDIA WILKEN
United States District Judge