

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

Civil Action No. 09-11156-JLT

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES; KATHLEEN
SEBELIUS, in her official capacity as the
Secretary of the United States Department of
Health and Human Services; UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS;
ERIC K. SHINSEKI, in his official capacity as
the Secretary of the United States Department of
Veterans Affairs; and the UNITED STATES OF
AMERICA,

Defendants.

JUDGMENT

August 12, 2010

TAURO, J.

Having allowed Plaintiff's Motion for Summary Judgment [#26], this court hereby enters the following judgment in this action:

1. 1 U.S.C. § 7 is unconstitutional as applied in Massachusetts, where state law recognizes marriages between same-sex couples.
2. 1 U.S.C. § 7 as applied to 42 U.S.C. §§ 1396 et seq. and 42 C.F.R. pts. 430 et seq. is unconstitutional as applied in Massachusetts, where state law recognizes marriages between same-sex couples.
3. 1 U.S.C. § 7 as applied to 38 U.S.C. § 2408 and 38 C.F.R. pt. 39 is unconstitutional as applied in Massachusetts, where state law recognizes marriages

between same-sex couples.

4. Defendants and any other agency or official acting on behalf of Defendant the United States of America is hereby enjoined from enforcing 1 U.S.C. § 7 against Massachusetts and any of its agencies or officials.
5. This case is hereby CLOSED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge