

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EDITH SCHLAIN WINDSOR, in her capacity as Executor of the estate of THEA CLARA SPYER,)
Plaintiff,)
v.)
THE UNITED STATES OF AMERICA,)
Defendant.)

NOTICE TO THE COURT BY DEFENDANT UNITED STATES OF AMERICA

Defendant United States of America, by its undersigned counsel, hereby notifies the Court and the parties that the Department of Justice will cease defending the constitutionality of Section 3 of the Defense of Marriage Act, 1 U.S.C. § 7, for the reasons explained in the attached letter to the Court from Tony West, Assistant Attorney General for the Civil Division, dated February 24, 2011. The reasons cited in Assistant Attorney General West's letter are further explained in the letter from the Attorney General to The Honorable John A. Boehner, Speaker of the House, dated February 23, 2011, which is attached thereto. The Attorney General has informed Members of Congress of this decision pursuant to 28 U.S.C. § 530D(a)(1)(B)(ii), so that Members who wish to defend Section 3 may pursue that option.

Dated: February 25, 2011

Respectfully submitted,

TONY WEST
Assistant Attorney General

ARTHUR R. GOLDBERG
Assistant Branch Director

/s/ Jean Lin

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CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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