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Windsor v. The United States Of America

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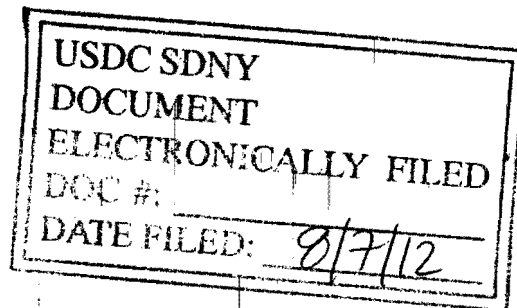
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March 29, 2012

VIA FACSIMILE AND HAND

The Honorable Barbara S. Jones
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Windsor v. United States, 10 Civ. 8435 (BSJ) (JCF)

Dear Judge Jones:

We write to follow up on our March 28 letter, in which we enclosed the Motion to Consolidate and Expedite Appeals filed by the United States Department of Justice in the United States Court of Appeals for the Ninth Circuit in the *Golinski* case (the "DOJ Br."). For many of the same reasons stated in the DOJ's motion to expedite in *Golinski*, Ms. Windsor respectfully requests that this Court issue a decision on her pending motion for summary judgment (and defendant-intervenor's motion to dismiss) as promptly as possible.

We have spoken to counsel for the United States, Jean Lin, Esq. (cc-ed below), and we understand that defendant the United States joins in this request.

More specifically, given the recent decisions of two district courts declaring Section 3 of DOMA unconstitutional, *Gill v. Office of Personnel Mgmt.*, 699 F. Supp. 2d 374 (D. Mass. 2010); *Golinski v. U.S. Office of Personnel Mgmt.*, ---F. Supp.

The Honorable Barbara S. Jones

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2d.--, 2012 WL 569685 (N.D. Cal. Feb. 22, 2012), there is now significant uncertainty with respect to the constitutionality of Section 3 of DOMA. (DOJ Br. at 5.) This problem is arguably most acute in New York since it is currently the largest state in the United States to permit same-sex couples to get married. Moreover, the current uncertainty adversely affects not only Ms. Windsor and others similarly situated to her, but also the federal government in the administration of many federal programs. (*Id.*) “[G]iven the number of statutes affected by Section 3 and the significant uncertainty and harm under which the Executive Branch must operate in enforcing a statute determined to be unconstitutional by the President and Attorney General,” swift consideration of these issues is warranted. (*Id.* at 2.) Further, because the federal government continues to enforce DOMA, Ms. Windsor and many others continue to be denied the same benefits that are available to other married couples. (*Id.* at 5-6.) Thus here, as in *Golinski*, “it is in the strong interest of every party [] to have [this case] resolved as promptly as possible.” (*Id.* at 2.)

Finally, as the Court is aware, Ms. Windsor is elderly and in failing health. She very much hopes that she can see a resolution of this litigation while she is alive and well enough to fully participate in her case.

Respectfully submitted,



Roberta A. Kaplan

cc (via email): Paul D. Clement, Esq.
H. Christopher Bartolomucci, Esq.
James D. Esseks, Esq.
Jean Lin, Esq.