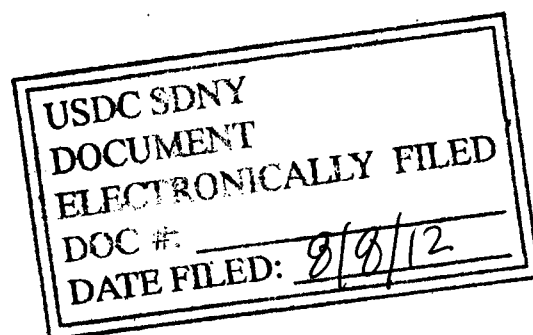


Bancroft
PLLC

August 11, 2011

BY FACSIMILE

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



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

Dear Judge Jones and Judge Francis:

On behalf of Intervenor-Defendant, The Bipartisan Legal Advisory Group of the U.S. House of Representatives ("the House"), we write in response to plaintiff's letter of today's date.

Plaintiff's reply brief in support of her summary judgment motion is due on August 19. Plaintiff proposes to file a reply that does not "respond[] substantively" to the 12 documents at issue in the motion to strike that she filed yesterday, August 10. She also proposes to file "supplemental materials" at a later date if her motion to strike is denied. These proposals should be denied. Plaintiff's motion to strike has not been granted. The House believes it is a meritless motion and intends to file an opposition to it on or before August 24, in accordance with local rules. There is no reason why plaintiff's August 19 reply brief cannot "respond[] substantively" to the 12 documents. If plaintiff does not wish to respond to the documents in her reply brief, that is a choice she is free to make. But plaintiff should not be allowed to file half a brief now and another half brief later if her motion to strike is ultimately denied (as it should be). At plaintiff's urging, this Court entered a compressed briefing schedule. Plaintiff should be required to abide by that schedule, just as the House has.

Plaintiff's request for leave to file a 30-page reply brief should be denied. The House filed a 25-page opposition to her motion for summary judgment. Plaintiff should not be allowed to file a reply that is five pages longer than the House's opposition and three times longer than what your Honors' rules of practice permit. Those rules permit a 10-page reply brief. That is sufficient to reply to a 25-page opposition.

The House does not oppose plaintiff's request to file a 35 page brief in opposition to the House's (45-page) motion to dismiss.

1919 M Street, N.W. • Suite 470 • Washington D.C. 20036
Telephone 202.234.0090 • www.bancroftpllc.com • Facsimile 202.234.2806

8/11/2011

2 of 2

Respectfully submitted,



H. Christopher Bartolomucci

Conor B. Dugan

Nicholas J. Nelson

BANCROFT PLLC

1919 M Street, N.W., Suite 470

Washington, DC 20036

*Counsel for Defendant-Intervenor
The Bipartisan Legal Advisory Group
of the U.S. House of Representatives*

Jean Lin, Esq.