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*NOT ADMITTED TO THE NEW YORK BAR

April 19, 2011

BY HAND

The Honorable Barbara S. Jones
United States District Court
Southern District of New York
500 Pearl Street, Room 620
New York, NY 10007

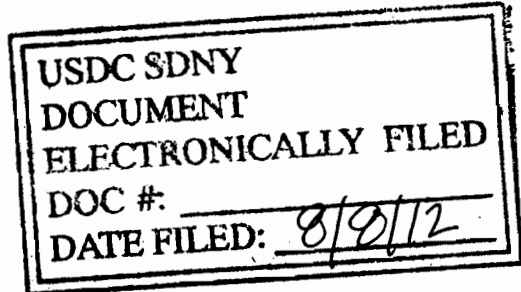
Windsor v. United States, 10 Civ. 8435 (BSJ)(JCF)

Dear Judge Jones:

On behalf of plaintiff Edith Windsor, we write in response to Jean Lin's letter of yesterday's date concerning the motion filed yesterday by the United States House of Representatives Bipartisan Legal Advisory Group ("BLAG") to intervene in the above-captioned action.

While the Department of Justice certainly has a right to submit a response to BLAG's motion to intervene, we are concerned about their request that the Court not decide the intervention motion until the Department of Justice's response has been filed, particularly in light of the fact that the Department of Justice has stated that it does not intend to oppose the intervention motion.

As Your Honor knows, we filed this case back in November of last year, our client is 81 years old and not in good health, and we still do not have a schedule to get the constitutional issues in this case ready for resolution by the Court. Intervention by



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The Honorable Barbara S. Jones

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BLAG is thus appropriate here only if it does not result in further delay or prejudice to Ms. Windsor. See e.g., *Citizens Against Casino Gambling in Erie Cnty v. Hogen*, No. 10 Civ. 2132, 2011 WL 1134316, at *1 (2d Cir. Mar. 28, 2011). Thus, while we do not intend to oppose BLAG's motion to intervene, we do so based on our understanding that BLAG's participation in this case will not further delay resolution of this matter.

In light of the above, we respectfully request that the Court rule on the motion to intervene no later than by May 9, when Judge Francis has ordered there to be a status/scheduling conference among the parties. In the meantime, we intend to promptly reach out to counsel for BLAG to meet and confer with them concerning an appropriate schedule going forward.

Respectfully submitted,



Roberta A. Kaplan

cc (by hand): Hon. James C. Francis, United States Magistrate Judge
(by email): James Esseks, Esq.
Jean Lin, Esq.
Paul D. Clement, Esq.
Jeffrey S. Bucholtz, Esq.
Kerry W. Kircher, Esq.