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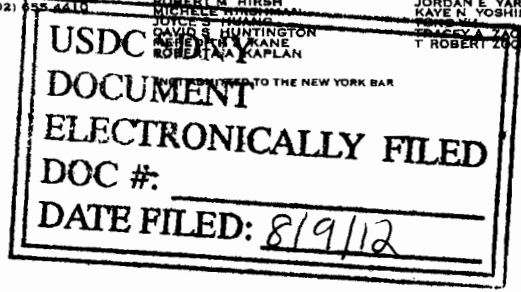
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February 23, 2012

By 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:

On behalf of plaintiff Edith Schlain Windsor, we respectfully write to bring to the Court's attention a decision yesterday by Judge Jeffrey White of the Northern District of California holding that Section 3 of the Defense of Marriage Act ("DOMA") is unconstitutional in a case that presents substantially similar facts and the same legal issues as the above-captioned matter before Your Honor. See Golinski v. Office of Pers. Mgmt., No. C 10-00257 (JSW) (N.D. Cal. Feb. 22, 2012).

Your Honor may recall that in our letter to the Court dated January 23, 2012, we enclosed a copy of the transcript of the oral argument in the Golinski case. In his decision yesterday, Judge White agreed with plaintiff, denying BLAG's motion to dismiss and granting plaintiff's motion for summary judgment for the very same reasons we have presented to Your Honor.

Namely, the Golinski court held that Section 3 of DOMA should properly be reviewed under a standard of heightened scrutiny, id. at 11-24, that it does not satisfy

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that standard, *id.* at 24–31, and that in any event it would not satisfy rational basis review either, *id.* at 32–42.

A copy of the *Golinski* decision is enclosed for Your Honor’s reference.

Respectfully submitted,

*Roberta Kaplan / NRK*

Roberta A. Kaplan

Enclosure

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