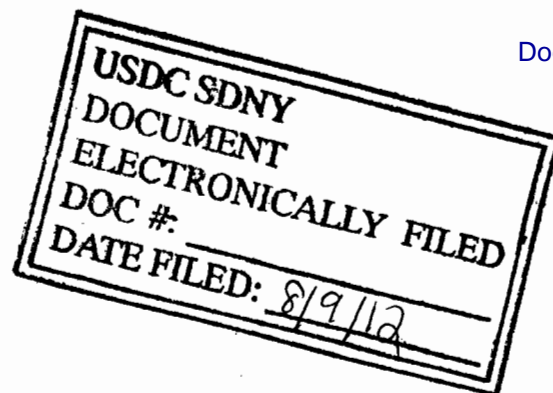


Bancroft
PLLC

March 15, 2012



By Overnight Delivery

The Honorable Barbara S. Jones
United States District 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:

This responds to Plaintiff's letter dated February 23, 2012, regarding *Golinski v. U.S. Office of Personnel Management*, No. 10-00257, 2012 WL 569685 (N.D. Cal. Feb. 22, 2012), *appeal docketed*, No. 12-15388 (9th Cir. Feb. 24, 2012).

The *Golinski* decision suffers from significant flaws. To give just a few examples: The *Golinski* court did not seriously engage the Supreme Court's decision in *Baker v. Nelson*, 409 U.S. 810 (1972). It failed to follow, and brazenly declared "no longer binding," Ninth Circuit precedent holding that the rational basis test applies to sexual orientation classifications. See *High Tech Gays v. Defense Indus. Sec. Clearance Office*, 895 F.2d 563 (9th Cir. 1990). And it completely completely ignored, and did not cite, the binding precedent of *Adams v. Howerton*, 673 F.2d 1036 (9th Cir. 1982), which upheld a federal immigration statute defining the word "spouse" to mean a person of the opposite sex against an equal protection challenge brought by a married same-sex couple.

Needless to say, an appeal has been filed in *Golinski*.

Respectfully submitted,

A handwritten signature in black ink that reads "Ch Bartolomucci".

H. Christopher Bartolomucci

*Counsel for the Bipartisan Legal Advisory
Group of the U.S. House of Representatives*

cc (via e-mail): Roberta A. Kaplan,
James D. Esseks
Jean Lin