

3S, RIFKIND, WHARTON & GARRISON LLP

Windsor v. The United States Of America

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JOHN F. WHARTON (1927-1977)

UNIT 3601, FORTUNE PLAZA OFFICE TOWER A  
NO. 7 DONG SANHUAN ZHONGLU  
CHAO YANG DISTRICT  
BEIJING 100020  
PEOPLE'S REPUBLIC OF CHINA  
TELEPHONE (86-10) 5828-6300

12TH FLOOR, HONG KONG CLUB BUILDING  
3A CHATER ROAD, CENTRAL  
HONG KONG  
TELEPHONE (852) 2846-0300

ALDER CASTLE  
10 NOBLE STREET  
LONDON EC2V 7JU. U.K.  
TELEPHONE (44 20) 7367 1600

FUKOKU SEIMEI BUILDING  
2-2 UCHISAIWAICHO 2-CHOME  
CHIYODA-KU, TOKYO 100-0011, JAPAN  
TELEPHONE (81-3) 3597-8101

2001 K STREET, NW  
WASHINGTON, DC 20006-1047  
TELEPHONE (202) 223-7300

500 DELAWARE AVENUE, SUITE 200  
POST OFFICE BOX 32  
WILMINGTON, DE 19899-0032  
TELEPHONE (302) 655-4410

MATTHEW W. ABBOTT  
ALAN J. ARFFA  
ROBERT A. ATKINS  
JOHN F. BAUGHMAN  
LYNN B. BAYARD  
DANIEL J. BELLER  
CRAIG A. BENSON\*  
MITCHELL L. BERG  
MARC S. BERGMAN  
BRUCE BIRENBOIM  
CHRISTOPHER BOEHNING  
ANGELO BONVINO  
HENK BRANDS  
JAMES L. BROCHIN  
RICHARD J. BRONSTEIN  
DAVID W. BROWN  
SUSANNA M. BUEGEL  
PATRICK S. CAMPBELL\*  
JEANETTE K. CHAN  
YVONNE Y. F. CHAN  
LEWIS R. CLAYTON  
JAY COHEN  
KELLEY A. CORNISH  
CHRISTOPHER J. CUMMINGS  
CHARLES E. DAVIDOW  
DOUGLAS R. DAVIS  
THOMAS V. DE LA BASTIDE III  
ARIEL J. DECKELBAUM  
JAMES M. DUBIN  
ALICE BELISLE EATON  
ANDREW J. EARLICH  
GREGORY A. EZRING  
LESLIE GORDON FAGEN  
MARC FALCONE  
ANDREW C. FINCH  
BRAD J. FINKELSTEIN  
ROBERTO FINZI  
PETER E. FISCH  
ROBERT C. FLEDER  
MARTIN FLUMENBAUM  
ANDREW J. FOLY  
HARRIS B. FREIDUS  
MANUEL S. FREY  
KENNETH A. GALLO  
MICHAEL E. GERTZMAN  
PAUL D. GINSBERG  
ADAM M. GIVERTZ  
ROBERT D. GOLDBAUM  
NEIL GOLDMAN  
ERIC S. GOLDSTEIN  
ERIC GOODSON  
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BRUCE A. GUTENPLAN  
GAINES GWATHMEY, III  
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GERARD E. HARPER  
BRIAN S. HERMANN  
ROBERT M. HIRSH  
MICHELLE HIRSHMAN  
JOYCE S. HUANG  
DAVID S. HUNTINGTON  
MEREDITH J. KANE  
ROBERTA A. KAPLAN  
BRAD S. KARP  
JOHN C. KENNEDY  
ALAN W. KORNBERG

DANIEL J. KRAMER  
DAVID K. LAKHDHIR  
STEPHEN P. LAMB\*  
JOHN E. LANGE  
DANIEL J. LEFFELL  
XIAOYU GREG LIU  
JEFFREY D. MARELLI  
MARGO V. MASOTTI  
EDWIN S. MAYNARD  
DAVID W. MAYO  
ELIZABETH R. MCCOLM  
MARK F. MENDELSON  
TOBY S. MYERSON  
JOHN E. NATHAN  
CATHERINE NYARADY  
JOHN J. O'NEIL  
ALEX YOUNG K. OH  
BRAD R. OKUN  
KELLEY D. PARKER  
ROBERT P. PARKER\*  
MARC E. PERLMUTTER  
MARK F. POMERANTZ  
VALERIE E. RADWANER  
CARL L. REISNER  
WALTER G. RICCIARDI  
WALTER RIEMAN  
RICHARD A. ROSEN  
ANDREW N. ROSENBERG  
PETER J. ROTHENBERG  
JACQUELINE P. RUBIN  
RAPHAEL M. RUSSO  
JEFFREY D. SAFERSTEIN  
JEFFREY B. SAMUELS  
DALE M. SARRO  
TERRY E. SCHIMEK  
KENNETH M. SCHNEIDER  
ROBERT B. SCHUMER  
JAMES H. SCHWAB  
JOHN M. SCOTT  
STEPHEN J. SHIMSHAK  
DAVID R. SICULAR  
MOSES SILVERMAN  
STEVEN SIMKIN  
JOSEPH J. SIMONS  
MARILYN SOBEL  
AUDRA J. SOLOWAY  
TARUN M. STEWART  
ERIC ALAN STONE  
AIDAN SYNNOTT  
ROBYN F. TARNOFSKY  
MONICA K. THURMOND  
DANIEL J. TOAL  
MARK A. UNDERBERG  
LIZA M. VELAZQUEZ  
MARIA T. VULLO  
LAWRENCE G. WEE  
THEODORE V. WELLS, JR.  
BETH A. WILKINSON  
STEVEN J. WILLIAMS  
LAWRENCE I. WITTDORCHIC  
MARK B. WLAZLO  
JULIA T.M. WOOD  
JORDAN E. YARETT  
KAYE N. YOSHINO  
TONG YU  
TRACEY A. ZACCONE  
T. ROBERT ZACHOWSKI, JR.

WRITER'S DIRECT DIAL NUMBER

(212) 373-3086

WRITER'S DIRECT FACSIMILE

(212) 373-2818

WRITER'S DIRECT E-MAIL ADDRESS

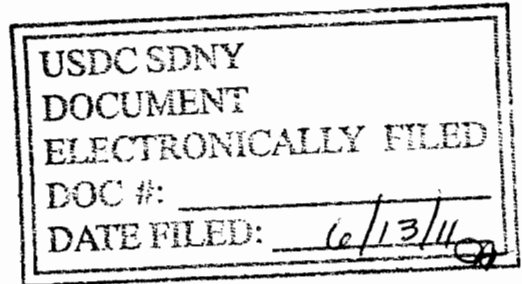
rkaplan@paulweiss.com

June 9, 2011

\*NOT ADMITTED TO THE NEW YORK BAR

BY HAND

Magistrate Judge James C. Francis  
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 Francis:

On behalf of plaintiff Edith Schlain Windsor, we write to provide the Court with an update concerning the schedule in the above-captioned matter.

By email dated June 7, 2011, counsel for the Bipartisan Legal Advisory Group of the House of Representatives advised us that the "House has decided to proceed without identifying expert witnesses" in this case, although it reserved its right to do so in other cases.

Accordingly, pursuant to the Court's Revised Scheduling Order dated May 11, 2011, plaintiff will be filing her motion for summary judgment on June 24, 2011. The House's opposition to that motion as well as its motion to dismiss will be due on August 1, 2011; plaintiff's reply in support of her summary judgment motion and her opposition to the House's motion to dismiss will be due on August 19, 2011; and the House's reply in support of its motion to dismiss will be due on September 9, 2011.

Finally, we understand that Judge Jones' rules require that memoranda of law should be no longer than 25 pages. *See* Individual Rule of Practice 2.B. Given the complexity and significance of the constitutional issues involved in the anticipated combined summary judgment motion/motion to dismiss -- which necessarily will include an analysis of the discrimination that plaintiff suffered as a result of DOMA under both a "heightened scrutiny" as well as a "rational basis" standard -- we respectfully request permission to file an initial moving brief of up to 45 pages, although we will use our best efforts to ensure that our brief does not exceed 40 pages.

Respectfully submitted,

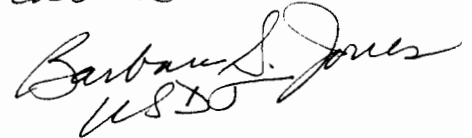


Roberta A. Kaplan

cc: The Honorable Barbara S. Jones  
James D. Esseks, Esq.  
H. Christopher Bartolomucci, Esq.  
Jean Lin, Esq.

*Application is granted.*

*So ordered:*



*6-13-11*