

MEMO ENDORSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----x

EDITH SCHLAIN WINDSOR, in her	:	
capacity as Executor of the Estate of THEA	:	
CLARA SPYER,	:	
	:	
Plaintiff,	:	
	:	No.1:10-cv-8435-BSJ-JCF
v.	:	ECF Case
	:	
THE UNITED STATES OF AMERICA	:	
	:	
Defendant.	:	

-----x

**UNOPPOSED MOTION FOR LEAVE TO FILE A BRIEF FOR THE STATE
OF NEW YORK AS AMICUS CURIAE IN SUPPORT OF THE PLAINTIFF**

The Attorney General of the State of New York hereby moves this Court, upon the annexed Memorandum of Law and annexed proposed *amicus curiae* brief, for an order granting the Attorney General leave to file a brief for the State of New York as *amicus curiae* to explain that the Defense of Marriage Act, Pub. No. L. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7 ("DOMA"), is unconstitutional because it violates the equal protection component of the Due Process Clause of the Fifth Amendment.

Counsel for Plaintiff and counsel for the United States have consented to this motion. Counsel for the Bipartisan Legal Advisory Group of the U.S. House of Representatives has no objection to this motion.

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/3/11

Dated: July 26, 2011.

Respectfully submitted,

ERIC T. SCHNEIDERMAN
*Attorney General of the
State of New York*

BARBARA D. UNDERWOOD
Solicitor General

BENJAMIN N. GUTMAN
Deputy Solicitor General

By: /s/ Simon Heller
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8/3/11
Motion granted.
SO ORDERED.
James C. Francis IV
JCMJ