

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDITH SCHLAIN WINDSOR, in her
capacity as Executor of the estate of THEA
CLARA SPYER,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

10 Civ. 8435 (BSJ) (JCF)
ECF Case

**NOTICE OF MOTION TO STRIKE
DOCUMENTS REFERENCED BY
DEFENDANT-INTERVENOR IN
OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE THAT Plaintiff Edith Schlain Windsor moves this Court, before the Honorable Barbara S. Jones, United States Courthouse, 500 Pearl Street, New York, New York 10007, pursuant to Southern District of New York Local Rule 56.1 and the Court's inherent power, to strike from Intervenor-Defendant Bipartisan Legal Advisory Group of the United States House of Representatives' ("BLAG") Rule 56.1 Response to Plaintiff's Statement of Material Facts the paragraphs listed in Plaintiff's accompanying memorandum of law and to strike all references to such paragraphs or to other inadmissible materials from Defendant-Intervenor's Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment. The grounds for this motion are set forth in Plaintiff's accompanying memorandum of law.

Dated: New York, New York
August 10, 2011

Respectfully Submitted,

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

/s/ Roberta A. Kaplan

Roberta A. Kaplan, Esq.
Andrew J. Ehrlich, Esq.
1285 Avenue of the Americas
New York, New York 10019-6064
(212) 373-3000
rkaplan@paulweiss.com
aehrich@paulweiss.com

– and –

James D. Esseks, Esq.
Rose A. Saxe, Esq.
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
New York, New York 10004-2400
(212) 549-2500
jesseks@aclu.org
rsaxe@aclu.org

– and –

Melissa Goodman, Esq.
Alexis Karteron, Esq.
Arthur Eisenberg, Esq.
NEW YORK CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 19th Floor
New York, New York 10004
(212) 607-3300
mgoodman@nyclu.org
akarteron@nyclu.org
aeisenberg@nyclu.org

Attorneys for Plaintiff Edith Schlain Windsor