

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:10-cv-08435-BSJ-JCF**

Windsor v. The United States Of America  
Assigned to: Judge Barbara S. Jones  
Referred to: Magistrate Judge James C. Francis  
Case in other court: USCA 2nd Circuit, 12-02335  
USCA 2nd Circuit, 12-02435  
Cause: 26:7422 IRS: Refund Taxes

Date Filed: 11/09/2010  
Date Terminated: 06/07/2012  
Jury Demand: None  
Nature of Suit: 870 Taxes  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Edith Schlain Windsor**  
*In her Official capacity as Executor of the  
estate of Thea Clara Spyer*

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V.

**Defendant**

**The United States Of America**

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**Defendant**

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*TERMINATED: 04/29/2011*

**Amicus**

**New York State**

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Date Filed	#	Docket Text
11/09/2010	<u>1</u>	COMPLAINT against The United States Of America. (Filing Fee \$ 350.00, Receipt Number 920552) Document filed by Edith Schlain Windsor.(ama) (Entered: 11/09/2010)
11/09/2010		SUMMONS ISSUED as to The United States Of America, U.S. Attorney and U.S. Attorney General. (ama) (Entered: 11/09/2010)
11/09/2010		Magistrate Judge James C. Francis IV is so designated. (ama) (Entered: 11/09/2010)
11/09/2010		Case Designated ECF. (ama) (Entered: 11/09/2010)
11/10/2010	<u>2</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. The United States Of America served on 11/9/2010, answer due 1/8/2011. Service was accepted by Calvin Coleman, Legal Technician. Service was made by Certified Mail. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 11/10/2010)
11/23/2010	<u>3</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge James C. Francis. (Signed by Judge Barbara S. Jones on 11/23/10) (dj) (Entered: 11/23/2010)
12/02/2010	<u>4</u>	NOTICE OF APPEARANCE by Jean Lin on behalf of The United States Of America (Lin, Jean) (Entered: 12/02/2010)
12/02/2010	<u>5</u>	NOTICE OF CHANGE OF ADDRESS by Alexis Brie Karteron on behalf of Edith Schlain Windsor. New Address: New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, NY, US 10004, 212-607-3300. (Karteron, Alexis)

		(Entered: 12/02/2010)
12/03/2010	<u>6</u>	ORDER: By February 9, 2011 the defendant shall serve and file its motion to dismiss. Plaintiff shall answer the motion by March 11, 2011 and shall make any cross-motion for summary judgment. By March 25, 2011, defendant shall submit its reply on its motion to dismiss and submit any application to stay plaintiff's cross-motion for summary judgment. If defendant does not apply for a stay, it shall answer plaintiff's motion for summary judgment by April 8, 2011. (Signed by Magistrate Judge James C. Francis on 12/3/2010) Copies Mailed By Chambers. (jpo) Modified on 1/5/2011 (jpo). (Entered: 12/03/2010)
12/03/2010		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Initial Pretrial Conference held on 12/3/2010. (mro) (Entered: 12/06/2010)
12/28/2010	<u>7</u>	NOTICE OF APPEARANCE by Melissa Goodman on behalf of Edith Schlain Windsor (Goodman, Melissa) (Entered: 12/28/2010)
01/28/2011	<u>8</u>	SCHEDULING ORDER: This Court's December 3, 2010 Order is revised as follow: By March 11, 2011, the defendant shall serve and file its motion to dismiss. Plaintiff shall answer the motion by April 11, 2011 and shall make any cross-motion for summary judgment. By April 25, 2011, defendant shall submit its reply on its motion to dismiss and submit any application to stay plaintiff's cross-motion for summary judgment. If defendant does not apply for a stay, it shall answer plaintiff's motion for summary judgment by May 9, 2011. (Motions due by 3/11/2011. Cross Motions due by 4/11/2011. Responses due by 4/11/2011)(Signed by Magistrate Judge James C. Francis on 1/26/11) (djc) (Entered: 01/28/2011)
02/02/2011	<u>9</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against The United States Of America. Document filed by Edith Schlain Windsor. Related document: <u>1</u> Complaint filed by Edith Schlain Windsor. (mbe) (Entered: 02/03/2011)
02/25/2011	<u>10</u>	NOTICE of Notice to the Court by Defendant the United States of America (with attachments). Document filed by The United States Of America. (Attachments: # <u>1</u> Attachment, # <u>2</u> Attachment)(Lin, Jean) (Entered: 02/25/2011)
03/15/2011	<u>11</u>	ORDER that: 1) Congress, should it wish to intervene in this matter, shall do so by April 18, 2011 by motion pursuant to Fed. R. Civ. Pro. 24(a), consistent with 28 U.S.C. §530D; and 2) Counsel for the plaintiff, the Department of Justice, and any Congressional intervenor shall appear on May 9, 2011 at 9:30 am for a conference with the Court to discuss how this case should proceed in light of the President's decision, as announced by the Attorney General on February 23, 2011, that Section 3 of the Defense of Marriage Act ("DOMA"), 1 U.S.C. § 7 as applied to same-sex couples who are legally married under state law, violates the equal protection component of the Fifth Amendment. SO ORDERED. (Status Conference set for 5/9/2011 at 09:30 AM before Magistrate Judge James C. Francis) (Signed by Magistrate Judge James C. Francis on 3/15/2011) (lnl) (Entered: 03/15/2011)
03/15/2011		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Telephone Discovery Conference held on 3/15/2011. (mro) (Entered: 03/17/2011)
03/15/2011		Set Deadlines: Motions due by 4/18/2011. (lnl) (Entered: 03/21/2011)
04/18/2011	<u>12</u>	MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> proposed order, # <u>2</u> Certificate of Service)(Clement, Paul) (Entered: 04/18/2011)
04/18/2011	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u>

		Certificate of Service)(Clement, Paul) (Entered: 04/18/2011)
04/25/2011	<u>14</u>	MOTION for Paul D. Clement, Richard A. Cirillo and the law firm of King & Spalding LLP to Withdraw as Attorney. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. Return Date set for 5/25/2011 at 09:30 AM. (Attachments: # <u>1</u> Certificate of Service)(Cirillo, Richard) (Entered: 04/25/2011)
04/25/2011	<u>15</u>	DECLARATION of Richard A. Cirillo in Support re: <u>14</u> MOTION for Paul D. Clement, Richard A. Cirillo and the law firm of King & Spalding LLP to Withdraw as Attorney.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Cirillo, Richard) (Entered: 04/25/2011)
04/26/2011	<u>16</u>	STIPULATION AND ORDER FOR SUBSTITUTION OF COUNSEL: that Bancroft PLLC is hereby substituted for King & Spalding LLP as counsel in this action for intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. Motions terminated: <u>14</u> MOTION for Paul D. Clement, Richard A. Cirillo and the law firm of King & Spalding LLP to Withdraw as Attorney filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Signed by Magistrate Judge James C. Francis on 4/26/2011) (tro) (Entered: 04/29/2011)
05/02/2011	<u>17</u>	NOTICE OF APPEARANCE by Conor Dugan on behalf of Bipartisan Legal Advisory Group of the U.S. House of Representatives (Dugan, Conor) (Entered: 05/02/2011)
05/02/2011	<u>18</u>	NOTICE OF APPEARANCE by Conor Dugan on behalf of Bipartisan Legal Advisory Group of the U.S. House of Representatives (Dugan, Conor) (Entered: 05/02/2011)
05/02/2011	<u>19</u>	NOTICE OF APPEARANCE by H Christopher Bartolomucci on behalf of Bipartisan Legal Advisory Group of the U.S. House of Representatives (Bartolomucci, H) (Entered: 05/02/2011)
05/05/2011	<u>20</u>	RESPONSE to Motion re: <u>12</u> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> Document filed by The United States Of America. (Attachments: # <u>1</u> Text of Proposed Order)(Lin, Jean) (Entered: 05/05/2011)
05/05/2011	<u>21</u>	NOTICE of Notice of Intent to File Reply re: <u>20</u> Response to Motion,, <u>12</u> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 05/05/2011)
05/09/2011		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Initial Pretrial Conference held on 5/9/2011. (cd) (Entered: 05/12/2011)
05/11/2011	<u>22</u>	REVISED SCHEDULING ORDER: Plaintiff's summary judgment Motions due by 7/15/2011 (unless the House has not identified any experts pursuant to paragraphs 5 and 6 above, in which case plaintiff's motion for summary judgment shall be filed on or before June 24, 2011); Responses due by 8/15/2011; Replies due by 9/2/2011. All fact and Expert Discovery due by 7/11/2011. (Signed by Magistrate Judge James C. Francis on 5/11/11). (djc) (Entered: 05/11/2011)
05/12/2011	<u>23</u>	REPLY to Response to Motion re: <u>12</u> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the</i>

		<i>Defense of Marriage Act, Pub. L. No. 104–199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 05/12/2011)
05/12/2011	<u>24</u>	NOTICE OF CHANGE OF ADDRESS by Melissa Goodman on behalf of Edith Schlain Windsor. New Address: NYCLU, 125 Broad St, 19th Floor, New York, NY, USA 10004, 212.607.3300. (Goodman, Melissa) (Entered: 05/12/2011)
05/27/2011	<u>25</u>	STIPULATION AND ORDER GOVERNING PROTECTION AND EXCHANGE OF CONFIDENTIAL INFORMATION...regarding procedures to be followed that shall govern the handling of confidential material...This order may be modified by further order of the Court. (Signed by Magistrate Judge James C. Francis on 5/26/11) (cd) (Entered: 05/27/2011)
06/02/2011	<u>26</u>	MEMORANDUM AND ORDER granting <u>12</u> Motion to Intervene as a party defendant. (Signed by Magistrate Judge James C. Francis on 6/2/11); Copies mailed by Chambers. (djc) (Entered: 06/02/2011)
06/13/2011	<u>27</u>	ENDORSED LETTER addressed to Magistrate Judge James C. Francis IV from Roberta A. Kaplan dated 6/9/2011 re: Counsel for the Plaintiff writes to provide the Court with an update concerning the schedule in the above-captioned matter and to request permission to file an initial moving brief of up to 45 pages. ENDORSEMENT: Application granted. (Signed by Judge Barbara S. Jones on 6/13/2011) (ab) (Entered: 06/13/2011)
06/24/2011	<u>28</u>	MOTION for Summary Judgment. Document filed by Edith Schlain Windsor.(Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>29</u>	MEMORANDUM OF LAW in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>30</u>	AFFIDAVIT of Andrew J. Ehrlich in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>31</u>	AFFIDAVIT of Edith Schlain Windsor in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>32</u>	AFFIDAVIT of Letitia Anne Peplau, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>33</u>	AFFIDAVIT of Nancy F. Cott, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>34</u>	AFFIDAVIT of Michael Lamb, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>35</u>	AFFIDAVIT of George Chauncey, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>36</u>	AFFIDAVIT of Gary Segura, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
06/24/2011	<u>37</u>	RULE 56.1 STATEMENT. Document filed by Edith Schlain Windsor. (Ehrlich, Andrew) (Entered: 06/24/2011)
07/26/2011	<u>38</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Leave to File Brief Amicus Curiae of <i>New York State in Support of Plaintiff</i> . Document filed by New York State. (Attachments: # <u>1</u> Memorandum of Law in Support, # <u>2</u> Proposed

		Brief)(Heller, Simon) Modified on 7/26/2011 (ldi). (Entered: 07/26/2011)
07/26/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Simon Heller to RE-FILE Document <u>38</u> MOTION for Leave to File Brief Amicus Curiae of <i>New York State in Support of Plaintiff</i> . ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Memorandum of Law in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 07/26/2011)
07/26/2011	<u>39</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: <u>38</u> MOTION for Leave to File Brief Amicus Curiae of <i>New York State in Support of Plaintiff</i> . Document filed by New York State. (Heller, Simon) Modified on 7/27/2011 (ldi). (Entered: 07/26/2011)
07/26/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Simon Heller to RE-FILE Document <u>39</u> Memorandum of Law in Support of Motion. ERROR(S): Document linked to filing error. ***REMINDER*** You must first re-file the Motion, then file the Memorandum of Law and link to that motion. (ldi) (Entered: 07/27/2011)
07/26/2011	<u>42</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones and Magistrate Judge James C. Francis from Conor B. Dugan dated 7/26/11 re: counsel for Defendant-Intervenor the Bipartisan Legal Advisory Group of the U.S. House of Representatives respectfully writes to request permission to file briefs totaling 70 pages for our opposition to plaintiff's motion for summary judgment and in support of our separate motion to dismiss, to be apportioned as necessary. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge Barbara S. Jones on 7/26/11) (pl) Modified on 7/27/2011 (pl). (Entered: 07/27/2011)
07/27/2011	<u>40</u>	CONSENT MOTION for Leave to File amicus curiae brief <i>in support of the Plaintiff</i> . Document filed by New York State. (Attachments: # <u>1</u> Proposed Brief)(Heller, Simon) (Entered: 07/27/2011)
07/27/2011	<u>41</u>	MEMORANDUM OF LAW in Support re: <u>40</u> CONSENT MOTION for Leave to File amicus curiae brief <i>in support of the Plaintiff</i> .. Document filed by New York State. (Heller, Simon) (Entered: 07/27/2011)
07/28/2011	<u>43</u>	MEMORANDUM AND ORDER: For the reasons listed herein, the plaintiff's letter motion to compel is granted to the extent that BLAG shall answer Interrogatories 1 and 3 and RFA no. 1 by August 1, 2011. In all other respects, the motion is denied. (Signed by Magistrate Judge James C. Francis on 7/28/2011) Copies Mailed By Chambers. (mro) (Entered: 07/28/2011)
07/29/2011	44	Letter addressed to Magistrate Judge James C. Francis IV from Julie E. Fink dated 7/19/2011 re: It has come to our attention that the incorrect documents were inadvertently included as Exhibits A and B to plaintiff's July 18 letter motion to compel. Document filed by Edith Schlain Windsor.(lmb) (Entered: 07/29/2011)
07/29/2011	45	Letter addressed to Magistrate Judge James C. Francis IV from Roberta A. Kaplan dated 7/18/2011 re: We respectfully submit this letter in accordance with Fed. R. Civ. P. 37 to compel responses to certain of the interrogatories and requests for admission that we propounded on party-defendant, the Bipartisan Legal Advisory Group of the House of Representatives ("BLAG"). Document filed by Edith Schlain Windsor.(lmb) (Entered: 07/29/2011)
07/29/2011	46	Letter addressed to Magistrate Judge James C. Francis IV from Paul D. Clement dated 7/25/2011 re: The House respectfully requests that the Court deny Plaintiff's motion to compel further discovery responses. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(lmb) (Entered: 07/29/2011)
07/29/2011	47	Letter addressed to Magistrate Judge James C. Francis IV from Roberta A. Kaplan dated 7/25/2011 re: Because, in their letter dated July 25, 2011 (the "July 25 letter"), the Bipartisan Legal Advisory Group of the House of Representatives ("BLAG") adds little to their initial objections refusing to respond in substance to Mr. Windsor's discovery requests, this reply will be brief. Plaintiff respectfully requests that the Court grant her motion to compel. Document filed by Edith

		Schlain Windsor.(lmb) (Entered: 07/29/2011)
08/01/2011	<u>48</u>	NOTICE OF APPEARANCE by Kerry William Kircher on behalf of Bipartisan Legal Advisory Group of the U.S. House of Representatives (Kircher, Kerry) (Entered: 08/01/2011)
08/01/2011	<u>49</u>	MOTION to Dismiss <i>Amended Complaint</i> . Document filed by The United States Of America.(Lin, Jean) (Entered: 08/01/2011)
08/01/2011	<u>50</u>	MEMORANDUM OF LAW in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 08/01/2011)
08/01/2011	<u>51</u>	RULE 56.1 STATEMENT. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 08/01/2011)
08/01/2011	<u>52</u>	MOTION to Dismiss. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(Kircher, Kerry) (Entered: 08/01/2011)
08/01/2011	<u>53</u>	MEMORANDUM OF LAW in Support re: <u>52</u> MOTION to Dismiss.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kircher, Kerry) (Entered: 08/01/2011)
08/01/2011	<u>54</u>	DECLARATION of Conor B. Dugan in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 08/01/2011)
08/01/2011	<u>55</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit A in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/2/2011 (db). (Entered: 08/01/2011)
08/01/2011	<u>56</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit B in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/2/2011 (db). (Entered: 08/01/2011)
08/01/2011	<u>57</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit C in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/2/2011 (db). (Entered: 08/01/2011)
08/01/2011	<u>58</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit D in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/2/2011 (db). (Entered: 08/01/2011)
08/01/2011	<u>59</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit E–1 in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/2/2011 (db). (Entered: 08/01/2011)
08/01/2011	<u>60</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit E–2 in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/2/2011 (db). (Entered: 08/01/2011)
08/01/2011	<u>61</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – DECLARATION of Dugan Exhibit F in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) Modified on 8/3/2011 (db). (Entered: 08/02/2011)



08/01/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Kerry William Kircher. Document Nos. [55–60] Exhibits are not filed, they may only be added as ATTACHMENTS to documents that are permitted to be filed via ECF. This document is not filed via ECF. (db) (Entered: 08/02/2011)
08/02/2011	<u>62</u>	DECLARATION of Conor B. Dugan in Opposition re: <u>28</u> MOTION for Summary Judgment.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E (part 1), # <u>6</u> Exhibit E (part 2), # <u>7</u> Exhibit F)(Kircher, Kerry) (Entered: 08/02/2011)
08/03/2011	<u>63</u>	MEMO ENDORSED: granting <u>40</u> Motion for Leave to File Brief for the state of New York as Amicus Curiae in Support of the Plaintiff. ENDORSEMENT: Motion granted. (Signed by Magistrate Judge James C. Francis on 8/3/2011) (mbe) (Entered: 08/03/2011)
08/05/2011	<u>64</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones and Magistrate Judge James C. Francis IV from Jean Lin dated 8/5/2011 re: Counsel for the Defendant writes to request that they be permitted to file a brief of up to 35 pages. ENDORSEMENT: Application granted. (Signed by Judge Barbara S. Jones on 8/5/2011) (ab) (Entered: 08/05/2011)
08/10/2011	<u>65</u>	MOTION to Strike <i>Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment</i> . Document filed by Edith Schlain Windsor.(Kaplan, Roberta) (Entered: 08/10/2011)
08/10/2011	<u>66</u>	MEMORANDUM OF LAW in Support re: <u>65</u> MOTION to Strike <i>Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment</i> .. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 08/10/2011)
08/10/2011	<u>67</u>	AFFIDAVIT of Roberta A. Kaplan in Support re: <u>65</u> MOTION to Strike <i>Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment</i> .. Document filed by Edith Schlain Windsor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Kaplan, Roberta) (Entered: 08/10/2011)
08/15/2011	<u>68</u>	ORDER: BLAG is directed to file its opposition to Plaintiff's motion to strike on or before August 19, 2011. Plaintiff's reply, if any, is due no later than August 23, 2011. Pending resolution of the motion to strike, Plaintiff's deadline for filing a reply brief in support of her motion for summary judgment is adjourned. The Court will decide the motion to strike promptly and will issue a date for submission of Plaintiff's reply in accordance with that decision. Plaintiff may file an opposition to BLAG's motion to dismiss of up to 35 pages; the deadline for submission of this opposition remains August 19, 2011. Plaintiff's request to file a reply in support of her motion for summary judgment of up to 25 pages will be decided along with the Court's resolution of the motion to strike. Set Deadlines/Hearing as to <u>65</u> MOTION to Strike Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment:( Responses due by 8/19/2011, Replies due by 8/23/2011.) (Signed by Judge Barbara S. Jones on 8/15/2011) (mro) Modified on 8/16/2011 (mro). (Entered: 08/15/2011)
08/19/2011	<u>69</u>	RESPONSE in Opposition re: <u>65</u> MOTION to Strike <i>Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment</i> .. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kircher, Kerry) (Entered: 08/19/2011)
08/19/2011	<u>70</u>	MEMORANDUM OF LAW in Opposition re: <u>52</u> MOTION to Dismiss.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 08/19/2011)
08/19/2011	<u>71</u>	RESPONSE to Motion re: <u>28</u> MOTION for Summary Judgment.. Document filed by The United States Of America. (Lin, Jean) (Entered: 08/19/2011)
08/19/2011	<u>72</u>	RESPONSE to Motion re: <u>52</u> MOTION to Dismiss. ( <i>Same Filing As ECF No. 71</i> ). Document filed by The United States Of America. (Lin, Jean) (Entered: 08/19/2011)

		08/19/2011)
08/22/2011	<u>73</u>	REPLY MEMORANDUM OF LAW in Support re: <u>65</u> MOTION to Strike Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 08/22/2011)
08/22/2011	<u>74</u>	DECLARATION of Lisa M. Diamond in Support re: <u>65</u> MOTION to Strike Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 08/22/2011)
08/29/2011	<u>75</u>	ORDER denying <u>65</u> Motion to Strike. Before the Court is Plaintiff's Motion to Strike filed August 10, 2011. After review of the submissions of both parties, Plaintiff's Motion is DENIED. However, the Court finds that the submission of additional evidence by Plaintiff regarding the topics discussed in the motion to strike would be helpful in deciding the pending motion for summary judgment. Therefore, Plaintiff's alternative request to submit "additional affidavits and rebuttal evidence" is GRANTED. Plaintiff's request to file a reply brief of up to 30 pages is GRANTED. Plaintiff's reply is due on or before September 16, 2011. (Signed by Judge Barbara S. Jones on 8/29/2011) (js) (Entered: 08/30/2011)
08/29/2011		Set/Reset Deadlines: Replies due by 9/16/2011. (js) (Entered: 08/30/2011)
09/02/2011	<u>76</u>	MOTION for Clarification., MOTION for Leave to File Excess Pages., MOTION for Leave to File Sur–Reply. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(Kircher, Kerry) (Entered: 09/02/2011)
09/02/2011	<u>77</u>	MEMORANDUM OF LAW in Support re: <u>76</u> MOTION for Clarification. MOTION for Leave to File Excess Pages. MOTION for Leave to File Sur–Reply.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 09/02/2011)
09/06/2011	<u>78</u>	MEMORANDUM OF LAW in Opposition re: <u>76</u> MOTION for Clarification. MOTION for Leave to File Excess Pages. MOTION for Leave to File Sur–Reply.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 09/06/2011)
09/06/2011	<u>79</u>	ORDER terminating <u>76</u> Motion ; granting <u>76</u> Motion for Leave to File Excess Pages; denying <u>76</u> Motion for Leave to File Document. The Court considers Defendant's filing of a motion to address this issue unnecessary; in the future, a simple letter by mail or fax requesting clarification would suffice. Defendant's motion in the alternative to extend the deadline is DENIED. The deadline for Defendant's reply remains 9/9/2011. Defendant's request for an extension of the page limit for its reply in support of their motion to dismiss is GRANTED. Defendant may file a reply brief of up to seventeen pages. As to Defendant's request for leave to file a surreply, the Court denies the request as premature. As the Plaintiff's reply has not yet been filed, the Court cannot now determine whether any "new or unexpected" arguments or issues will be raised that would necessitate a surreply. Defendant may renew its request after the reply brief is submitted if new issues are raised in Plaintiff's reply. (Signed by Judge Barbara S. Jones on 9/6/2011) (tro) (Entered: 09/07/2011)
09/09/2011	<u>80</u>	REPLY MEMORANDUM OF LAW in Support re: <u>52</u> MOTION to Dismiss.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 09/09/2011)
09/15/2011	<u>81</u>	REPLY MEMORANDUM OF LAW in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 09/15/2011)
09/15/2011	<u>82</u>	DECLARATION of Roberta A. Kaplan in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Kaplan, Roberta) (Entered: 09/15/2011)
09/15/2011	<u>83</u>	REPLY AFFIDAVIT of Edith Schlain Windsor in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta)

		(Entered: 09/15/2011)
09/15/2011	<u>84</u>	REPLY AFFIDAVIT of Anne Peplau, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 09/15/2011)
09/15/2011	<u>85</u>	REPLY AFFIDAVIT of Michael Lamb, Ph.D. in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 09/15/2011)
09/15/2011	<u>86</u>	DECLARATION of Lisa M. Diamond in Support re: <u>28</u> MOTION for Summary Judgment.. Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 09/15/2011)
09/20/2011	<u>87</u>	MOTION for Leave to File Sur-Reply. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(Kircher, Kerry) (Entered: 09/20/2011)
09/20/2011	<u>88</u>	MEMORANDUM OF LAW in Support re: <u>87</u> MOTION for Leave to File Sur-Reply.. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Kircher, Kerry) (Entered: 09/20/2011)
09/21/2011	<u>89</u>	ORDER: Any response to Defendant's motion for leave to file a sur-reply in opposition to Plaintiff's motion for summary judgment may be submitted by letter brief. (Signed by Judge Barbara S. Jones on 9/21/2011) (jfe) (Entered: 09/21/2011)
10/18/2011	<u>90</u>	ORDER denying <u>87</u> Motion for Leave to File Document. After review of both parties' submissions, Intervenor-Defendant's Motion is DENIED. (Signed by Judge Barbara S. Jones on 10/18/2011) (ft) (Entered: 10/18/2011)
10/20/2011	<u>91</u>	NOTICE of Recent Decisions re: <u>50</u> Memorandum of Law in Opposition to Motion, <u>53</u> Memorandum of Law in Support of Motion. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kircher, Kerry) (Entered: 10/20/2011)
10/21/2011	<u>92</u>	RESPONSE re: <u>91</u> Notice (Other), Notice (Other). Document filed by Edith Schlain Windsor. (Kaplan, Roberta) (Entered: 10/21/2011)
06/06/2012	<u>93</u>	ORDER granting <u>28</u> Motion for Summary Judgment; denying <u>49</u> Motion to Dismiss; denying <u>52</u> Motion to Dismiss. CONCLUSION: For the foregoing reasons, Plaintiff's motion for summary judgment is GRANTED and Defendant-Intervenor's motion to dismiss is DENIED. The Court declares that section 3 of the Defense of Marriage Act, 1 U.S.C. Section 7, is unconstitutional as applied to Plaintiff. Plaintiff is awarded judgment in the amount of \$363,053.00, plus interest and costs allowed by law. Each party shall bear their own costs and fees. This case is CLOSED. The clerk of the court is directed to terminate the motions at docket numbers 28, 49, and 52. (Signed by Judge Barbara S. Jones on 6/6/2012) (bw) Modified on 6/7/2012 (ml). (Entered: 06/06/2012)
06/06/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <u>93</u> Order on Motion for Summary Judgment, Order on Motion to Dismiss, to the Judgments and Orders Clerk. (bw) (Entered: 06/06/2012)
06/07/2012	<u>94</u>	CLERK'S JUDGMENT # 12,0973 That for the reasons stated in the Court's Order dated June 6, 2012, Plaintiff's motion for summary judgment is granted and Defendant-Intervenor's motion to dismiss is denied; the Court declares that section 3 of the Defense of Marriage Act, 1 U.S.C. § 7, is unconstitutional as applied to Plaintiff; Plaintiff is awarded judgment in the amount of \$363,053.00, plus interest and costs allowed by law; each party shall bear their own costs and fees; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 6/7/12) (Attachments: # <u>1</u> NOTICE OF RIGHT TO APPEAL)(ml) (Entered: 06/07/2012)
06/08/2012	<u>95</u>	NOTICE OF APPEAL from <u>93</u> Order on Motion for Summary Judgment, Order on Motion to Dismiss,,,,,, <u>94</u> Clerk's Judgment,,. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kircher, Kerry) (Entered: 06/08/2012)

06/08/2012	Appeal Remark as to <u>95</u> Notice of Appeal, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. NO FEE. USA. (tp) (Entered: 06/11/2012)
06/11/2012	Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>95</u> Notice of Appeal. (tp) (Entered: 06/11/2012)
06/11/2012	<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>8</u> Scheduling Order., <u>75</u> Order on Motion to Strike, <u>7</u> Notice of Appearance filed by Edith Schlain Windsor, <u>68</u> Order, Set Motion and RRDeadlines/Hearings, <u>48</u> Notice of Appearance filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>23</u> Reply to Response to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>12</u> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> MOTION to Intervene <i>a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. § 7.</i> filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>88</u> Memorandum of Law in Support of Motion filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>50</u> Memorandum of Law in Opposition to Motion filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>19</u> Notice of Appearance filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>59</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>27</u> Endorsed Letter, <u>92</u> Response filed by Edith Schlain Windsor, <u>18</u> Notice of Appearance filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>10</u> Notice (Other) filed by The United States Of America, <u>43</u> Order, <u>82</u> Declaration in Support of Motion filed by Edith Schlain Windsor, <u>29</u> Memorandum of Law in Support of Motion filed by Edith Schlain Windsor, <u>17</u> Notice of Appearance filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>77</u> Memorandum of Law in Support of Motion filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>57</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>41</u> Memorandum of Law in Support of Motion filed by New York State, <u>39</u> Memorandum of Law in Support of Motion, filed by New York State, <u>73</u> Reply Memorandum of Law in Support of Motion filed by Edith Schlain Windsor, <u>14</u> MOTION for Paul D. Clement, Richard A. Cirillo and the law firm of King &amp; Spalding LLP to Withdraw as Attorney. filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>26</u> Order on Motion to Intervene, <u>81</u> Reply Memorandum of Law in Support of Motion filed by Edith Schlain Windsor, <u>63</u> Order on Motion for Leave to File Document, <u>42</u> Endorsed Letter, <u>76</u> MOTION for Clarification. MOTION for Leave to File Excess Pages. MOTION for Leave to File Sur-Reply. filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>72</u> Response to Motion filed by The United States Of America, <u>93</u> Order on Motion for Summary Judgment, Order on Motion to Dismiss, <u>11</u> Order, Set Deadlines/Hearings, <u>67</u> Affidavit in Support of Motion, filed by Edith Schlain Windsor, <u>83</u> Reply Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>6</u> Order, Set Deadlines/Hearings, <u>71</u> Response to Motion filed by The United States Of America, <u>87</u> MOTION for Leave to File Sur-Reply. filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>64</u> Endorsed Letter, <u>70</u> Memorandum of Law in Opposition to Motion filed by Edith Schlain Windsor, <u>55</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>58</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>52</u> MOTION to Dismiss. filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>49</u> MOTION to Dismiss <i>Amended Complaint.</i> filed by The United States Of America, <u>94</u> Clerk's Judgment, <u>13</u> Memorandum of Law in Support of Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>25</u> Protective Order, <u>20</u> Response to Motion, filed by The United States Of America, <u>95</u> Notice of Appeal, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>28</u> MOTION for Summary Judgment. filed by Edith Schlain Windsor, <u>56</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S.</p>

		House of Representatives, <u>61</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>1</u> Complaint filed by Edith Schlain Windsor, <u>9</u> Amended Complaint filed by Edith Schlain Windsor, <u>38</u> MOTION for Leave to File Brief Amicus Curiae of <i>New York State in Support of Plaintiff</i> . filed by New York State, <u>21</u> Notice (Other), Notice (Other), Notice (Other) filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>37</u> Rule 56.1 Statement filed by Edith Schlain Windsor, <u>2</u> Summons Returned Executed as to USA, filed by Edith Schlain Windsor, <u>65</u> MOTION to Strike <i>Documents Referenced by Defendant–Intervenor in Opposition to Plaintiff's Motion for Summary Judgment</i> . filed by Edith Schlain Windsor, <u>84</u> Reply Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>91</u> Notice (Other), Notice (Other) filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>22</u> Scheduling Order, <u>62</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>89</u> Order, <u>16</u> Stipulation and Order, Terminate Motions, Add and Terminate Parties, <u>51</u> Rule 56.1 Statement filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>32</u> Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>79</u> Order on Motion for Miscellaneous Relief, Order on Motion for Leave to File Excess Pages, Order on Motion for Leave to File Document, <u>3</u> Order Referring Case to Magistrate Judge, <u>54</u> Declaration in Opposition to Motion filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>5</u> Notice of Change of Address filed by Edith Schlain Windsor, <u>24</u> Notice of Change of Address filed by Edith Schlain Windsor, <u>40</u> CONSENT MOTION for Leave to File amicus curiae brief <i>in support of the Plaintiff</i> . filed by New York State, <u>53</u> Memorandum of Law in Support of Motion filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>66</u> Memorandum of Law in Support of Motion filed by Edith Schlain Windsor, <u>78</u> Memorandum of Law in Opposition to Motion filed by Edith Schlain Windsor, <u>86</u> Declaration in Support of Motion filed by Edith Schlain Windsor, <u>35</u> Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>80</u> Reply Memorandum of Law in Support of Motion filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>30</u> Affidavit in Support of Motion, filed by Edith Schlain Windsor, <u>15</u> Declaration in Support of Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>4</u> Notice of Appearance filed by The United States Of America, <u>31</u> Affidavit in Support of Motion, filed by Edith Schlain Windsor, <u>34</u> Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>69</u> Response in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>33</u> Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>60</u> Declaration in Opposition to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>90</u> Order on Motion for Leave to File Document, <u>36</u> Affidavit in Support of Motion filed by Edith Schlain Windsor, <u>74</u> Declaration in Support of Motion filed by Edith Schlain Windsor, <u>85</u> Reply Affidavit in Support of Motion filed by Edith Schlain Windsor were transmitted to the U.S. Court of Appeals. (tp) (Entered: 06/11/2012)
06/14/2012	<u>96</u>	<b>FILING ERROR – NO ORDER SELECTED FOR APPEAL – NOTICE OF APPEAL.</b> Document filed by The United States Of America. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Lin, Jean) Modified on 6/14/2012 (tp). (Entered: 06/14/2012)
06/14/2012		<b>***NOTE TO ATTORNEY REGARDING DEFICIENT APPEAL. Note to Attorney Lin, Jean to RE–FILE Document No. <u>96</u> Notice of Appeal. The filing is deficient for the following reason: No Order being appealed was selected. Re–file the document as a Corrected Notice of Appeal event and SELECT the correct Order being appealed. (tp)</b> (Entered: 06/14/2012)
06/14/2012	<u>97</u>	CORRECTED NOTICE OF APPEAL re: <u>96</u> Notice of Appeal, <u>93</u> Order on Motion for Summary Judgment, Order on Motion to Dismiss,,,,,, <u>94</u> Clerk's Judgment,,. Document filed by The United States Of America. (Attachments: # <u>1</u> Exhibit Judgment, # <u>2</u> Exhibit Order)(Lin, Jean) (Entered: 06/14/2012)
06/14/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>96</u> Notice of Appeal, <u>97</u> Corrected Notice of Appeal,. (nd) (Entered: 06/14/2012)

06/14/2012

Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 96 Notice of Appeal, filed by The United States Of America, 97 Corrected Notice of Appeal, filed by The United States Of America, 8 Scheduling Order,, 75 Order on Motion to Strike, 7 Notice of Appearance filed by Edith Schlain Windsor, 68 Order, Set Motion and RRDeadlines/Hearings, 48 Notice of Appearance filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, 23 Reply to Response to Motion, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, 12 MOTION to Intervene a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996), codified at 1 U.S.C. 7. MOTION to Intervene a party defendant in this matter for the limited purpose of litigating the constitutionality of Section III of the Defense of Marriage Act, Pub. L. 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08/07/2012	<u>98</u>	Letter addressed to Judge Barbara S. Jones from Roberta A. Kaplan dated 5/31/2012 re: We write on behalf of plaintiff Edie Windsor to bring to the Court's attention the decision issued earlier today by the Unites States Court of Appeals for the First Circuit holding that Section 3 of the Defense of Marriage Act ("DOMA") is unconstitutional in a case that presents substantially similar facts and raises overlapping legal issues as the above–captioned matter Document filed by Edith Schlain Windsor.(ama) (Entered: 08/07/2012)
08/07/2012	<u>99</u>	Letter addressed to Judge Barbara S. Jones from Roberta A. Kaplan dated 5/29/2012 re: We write on behalf of plaintiff Edie Windsor to bring to the Court's attention a decision issued last week by Judge Claudia Wilken 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 raises similar legal issues as the above–captioned matter currently pending before Your Honor. Document filed by Edith Schlain Windsor.(ama) (Entered: 08/07/2012)
08/07/2012	<u>100</u>	Letter addressed to Judge Barbara S. Jones from Roberta A. Kaplan dated 5/29/2012 re: We write to follow up on our March 28 letter, in which we enclosed the Motion to Consolidate and Expedite Appeals filed by the United States Department of Justice in the United States Court of Appeals for the Ninth Circuit in the Golinski case (the "DOJ Br."). For many of the same reasons stated in the DOJ's motion to expedite in Golinski, Ms. Windsor respectfully requests that this Court issue a decision on her pending motion for summary judgment (and defendant–intervenor's motion to dismiss) as promptly as possible. Document filed

		by Edith Schlain Windsor.(ama) (Entered: 08/07/2012)
08/07/2012	<u>101</u>	Letter addressed to Judge Barbara S. Jones from Roberta A. Kaplan dated 5/28/2012 re: On behalf of plaintiff, we write to let Your Honor know that Edie Windsor is back at home and is recovering from her most recent heart attack. Document filed by Edith Schlain Windsor.(ama) (Entered: 08/07/2012)
08/07/2012	<u>102</u>	Letter addressed to Judge Barbara S. Jones from Roberta A. Kaplan dated 3/07/2012 re: We respectfully write to inform the Court that plaintiff Edie Windsor suffered a heart attack yesterday and was admitted to the cardiac unit at Mount Sinai Hospital. Document filed by Edith Schlain Windsor.(ama) (Entered: 08/07/2012)
08/07/2012	<u>103</u>	Letter addressed to Judge Barbara S. Jones from H. Christopher Bartolomucci dated 3/06/2012 re: This responds to Plaintiffs letter to the Court dated February 21, 2012, regarding the Attorney General's recent decision not to defend 38 U.S.C. § 101(3) and 101(31). The constitutionality of those two statutory provisions is not at issue in this case. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(ama) (Entered: 08/07/2012)
08/08/2012	<u>105</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 2/21/2012, re: bringing to the Court's attention a recent decision by the Attorney General and the Department of Justice to cease defending 38 U.S.C. Secs. 101(3) and (31), which affect the eligibility of same-sex couples for military and veterans' benefits. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>106</u>	Letter addressed to Judge Barbara S. Jones, from H. Christopher Bartolomucci, dated 2/16/2012, re: Perry v. Brown, 9th Cir. No. 10-16696 (Feb. 7, 2012). Contrary to the suggestion made in Plaintiff's letter dated February 8, 2012, Perry does not support Plaintiff's challenge to Section 3 of the Defense of Marriage Act ("DOMA"). The most striking thing about the Ninth Circuit's opinion is the very narrowness of its reasoning in striking down California's Proposition 8. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(ja) (Entered: 08/08/2012)
08/08/2012	<u>107</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 2/8/2012, re: ruling issued by the United States Court of Appeals for the Ninth Circuit in Perry v. Brown, No. 10-16696 (9th Cir. Feb. 7, 2012). The Court in Perry held that California's Proposition 8, which prohibits marriage between same-sex couples, is unconstitutional. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>108</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 7/6/2012, re: bringing the Court's attention to a decision a recent decision handed down by Judge Wilken of the Northern District of California concerning the constitutionality of the Defense of Marriage Act ("DOMA"). Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>109</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 1/23/2012, re: two recent developments since the submission of the materials in connection with plaintiff's motion for summary judgment. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>110</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 12/8/2011, re: pending in this case, plaintiff's motion for summary judgment and the Bipartisan Legal Advisory Group's motion to dismiss - informing Your Honor of some recent developments concerning Edith Windsor's health. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>111</u>	Letter addressed to Judge Barbara S. Jones, from H. Christopher Bartolomucci, dated 9/23/2011, re: the House's motion for leave to file a sur-reply in opposition to Plaintiff's motion for summary judgment. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(ja) (Entered: 08/08/2012)
08/08/2012	<u>112</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 9/21/2011, re: In light of the above, Plaintiff requests that BLAG's renewed motion for leave to file sur-reply should be denied. In the alternative, requests that the



		Court issue an order providing that BLAG's sur-reply should be strictly limited to the specific issue or issues that warrant the filing of a sur-reply. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>113</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 9/19/2011, re: on 9/15/2011 we filed our reply brief in support of Plaintiff's motion for summary judgment. Enclosed please find two copies of each of the following motion papers and briefs filed in connection with that motion. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>114</u>	Letter addressed to Judge Barbara S. Jones, from Jean Lin, dated 4/18/2011, re: this tax refund case challenging the constitutionality of Section 3 of the Defense of Marriage Act ("DOMA"), 1 U.S.C. Sec. 7. The Bipartisan Legal Advisory Group ("BLAG") of the United States House of Representatives has filed a motion to intervene pursuant to 28 U.S.C. § 530D(b) (2). Accordingly, the United States requests that this Court not rule on the motion until it has had an opportunity to review the United States' response. Document filed by The United States Of America.(ja) (Entered: 08/08/2012)
08/08/2012	<u>115</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 9/23/2012 re: For the reasons set forth in our September 21 letter, a sur-reply is not warranted. As a result, Plaintiff submits that the Court should disregard the portions (at pp. 3-6) of BLAG's September 23 letter. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>116</u>	Letter addressed to Judge Barbara S. Jones, from H. Christopher Bartolomucci, dated 8/12/2011, re: request that plaintiff be required to file, on or before August 19, (1) a reply in support of her motion for summary judgment of no more than 10 pages containing her complete response to the contentions in our opposition, and (2) an opposition to our motion to dismiss of no more than 35 papers. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(ja) (Entered: 08/08/2012)
08/08/2012	<u>117</u>	Letter addressed to Judge Barbara S. Jones, from H. Christopher Bartolomucci, dated 8/11/2011, re: in response to plaintiff's letter of today's date. The House does not oppose plaintiff's request to file a 35 page brief in opposition to the House's (45-page) motion to dismiss. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(ja) (Entered: 08/08/2012)
08/08/2012	<u>118</u>	Letter addressed to Judge Barbara S. Jones and Magistrate Judge James C. Francis, from Roberta A. Kaplan, dated 8/12/2011, re: defendant-intervenor raises for the first time in his letter in sur-reply the issue of constitutional facts. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>119</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 8/12/2011, re: response to the letter that the Bipartisan Legal Advisory Group of the House of Representatives ("BLAG") sent to the Court last night concerning how best to deal with plaintiff's pending motion for summary judgment. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>120</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 8/11/2011, re: challenging the constitutionality of Section 3 of the Defense of Marriage Act, or "DOMA." Finally, because the Court's rules require that memoranda of law should be no longer than 25 pages, and given the length of the briefs submitted by BLAG on August 1 (totalling approximately 70 pages), we would respectfully request permission to file a reply brief of up to 30 pages in connection with our motion for summary judgment and an opposition brief of up to 35 pages with respect to BLAG's motion to dismiss; although again, we will make every effort to file briefs under those limits. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>121</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 8/17/2011, re: the Court's Order dated August 15, 2011. In connection with Your Honor's consideration of Plaintiff's motion to strike, filed on August 10, 2011, enclosed we believe to be true and correct copies of the 12 documents referenced by Defendant-Intervenor, the Bipartisan Legal Advisory Group of the House of Representatives ("BLAG"), in opposition to Plaintiff's motion for summary

		judgment that are also the subject of Plaintiff's motion to strike. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>122</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 4/19/2011, re: request that the Court rule on the motion to intervene no later than May 9, when Judge Francis has ordered there to be a status/scheduling conference among the parties. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>123</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 2/2/2011, re: enclose for the Court's convenience a copy of the amended complaint that we filed today. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>124</u>	Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 11/22/2010, re: Edie filed her complaint on November 9, 2010 and her case has been assigned to Your Honor. Informing the Court about several matters relevant to scheduling in this case and to request a conference with the Court as soon as possible. Document filed by Edith Schlain Windsor.(ja) (Entered: 08/08/2012)
08/08/2012	<u>125</u>	Letter addressed to Judge Barbara S Jones from Roberta A Kaplan dated 2/23/2012 re: Northern District of California decision holding Section 3 of the Defense of Marriage Act unconstitutional. Document filed by Edith Schlain Windsor.(cd) Modified on 9/17/2012 (jar). (Entered: 08/09/2012)
08/08/2012		<b>***DELETED DOCUMENT as per instructions from Judge Barbara S. Jones' Chambers on 8/15/2012. Deleted document number 104 Letter addressed to Judge Barbara S. Jones, from Roberta A. Kaplan, dated 2/23/2012. The document was incorrectly filed in this case. See entry <u>125</u> . (tro)</b> (Entered: 08/15/2012)
08/09/2012	<u>126</u>	Letter addressed to Judge Barbara S Jones from H. Christopher Bartolomucci dated 3/15/2012 re: In response to plaintiff's letter dated 2/23/2012 and an appeal has been filed in Golinski. Document filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives.(cd) (Entered: 08/09/2012)
02/13/2013		USCA Case Number 12-2335 from the USCA 2nd Circuit assigned to <u>95</u> Notice of Appeal, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives. (tp) (Entered: 02/13/2013)
02/13/2013		USCA Case Number 12-2435 from the USCA 2nd Circuit assigned to <u>96</u> Notice of Appeal, <u>97</u> Corrected Notice of Appeal filed by The United States Of America. (tp) (Entered: 02/13/2013)
02/13/2013		Appeal Remark as to <u>95</u> Notice of Appeal, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>96</u> Notice of Appeal, filed by The United States Of America, <u>97</u> Corrected Notice of Appeal, filed by The United States Of America, USCA Case Number 12-2335 and 12-2435; SCUS Case No. 12-307: The Case has been Appealed to the Supreme Court of the United States. Non- ECF documents 44 through 47 have been scanned and forwarded to the Supreme Court. The Supreme Court has been notified that the balance of the case is electronic. (tp) (Entered: 02/13/2013)
08/26/2013	<u>127</u>	NOTICE of Satisfaction of Judgment re: <u>94</u> Clerk's Judgment,, Document filed by The United States Of America. (Lin, Jean) (Entered: 08/26/2013)
05/30/2014	<u>128</u>	MANDATE of USCA (Certified Copy) as to <u>95</u> Notice of Appeal, filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives, <u>97</u> Corrected Notice of Appeal, filed by The United States Of America USCA Case Number 12-2335 (L); 12-2435 (con). Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 5/30/2014. (Attachments: # <u>1</u> Opinion, # <u>2</u> Dissenting opinion)(nd) (Entered: 06/02/2014)