

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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| SHANNON L. MCLAUGHLIN, et al., | |) | |
| | |) | |
| | Plaintiffs, |) | |
| | |) | |
| | v. |) | No. 1:11-cv-11905 |
| | |) | |
| LEON PANETTA, et al., | |) | |
| | |) | |
| | Defendants. |) | |
| <hr/> | |) | |

**UNOPPOSED MOTION OF THE BIPARTISAN LEGAL ADVISORY GROUP
OF THE U.S. HOUSE OF REPRESENTATIVES
TO WITHDRAW AS INTERVENOR-DEFENDANT**

The Bipartisan Legal Advisory Group of the U.S. House of Representatives (“House”) sought, and was granted, to intervene in this case for the purpose of defending Section 3 of the Defense of Marriage Act (“DOMA”), Pub. L. No. 104-199, 110 Stat. 2419 (1996), codified at 1 U.S.C. § 7, and 38 U.S.C. § 101(3), (31). *See* Mot. of the [House] to Intervene (May 1, 2012) (ECF No. 32); Electronic Order [Granting Mot. to Intervene] (May 16, 2012).

The Supreme Court recently resolved the issue of DOMA Section 3’s constitutionality. *See United States v. Windsor*, 570 U.S. __ (2013), 2013 WL 3196928 (U.S. June 26, 2013). The *Windsor* decision necessarily resolves the issue of DOMA Section 3’s constitutionality in this case. While the question of whether 38 U.S.C. § 101(3), (31) is constitutional remains open, the House has determined, in light of the Supreme Court’s opinion in *Windsor*, that it no longer will defend that statute. Accordingly, the House now seeks leave to withdraw as a party defendant.

In light of this motion, the House takes no position on whether “judgment should . . . enter for plaintiffs in this case.” Electronic Order (June 27, 2013) (ECF No. 44).

A proposed order is submitted herewith and oral argument is not requested.

LOCAL RULE 7.1(A)(2) STATEMENT

On July 18, 2013, counsel for the House conferred with Christopher Man, counsel for plaintiffs, and Jean Lin, Senior Trial Counsel with the Department of Justice, counsel for the Executive Branch defendants, both of whom advised that their clients do not oppose the House's Motion to Withdraw.

Respectfully submitted,

Paul D. Clement
/s/ H. Christopher Bartolomucci
H. Christopher Bartolomucci

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July 18, 2013

CERTIFICATE OF SERVICE

I certify that on July 18, 2013, I electronically filed the foregoing Unopposed Motion of the Bipartisan Legal Advisory Group of the U.S. House of Representatives to Withdraw as Intervenor-Defendant with the Clerk of the Court for the U.S. District Court for Massachusetts using the appellate CM/ECF system. I further certify that counsel for all parties in this case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Kerry W. Kircher _____
Kerry W. Kircher