

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

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MARY BISHOP, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *ex rel.*

ERIC H. HOLDER, JR., et al.,

Defendants,

BIPARTISAN LEGAL ADVISORY

GROUP OF THE U.S. HOUSE

OF REPRESENTATIVES,

Intervenor-Defendant.

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No. 4:04-cv-00848-TCK-TLW

**INTERVENOR-DEFENDANT’S  
CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56(a) and LCvR 56.1, Intervenor-Defendant the Bipartisan Legal Advisory Group of the U.S. House of Representatives (“House”) respectfully cross moves for summary judgment in its favor on the claims of plaintiffs Susan G. Barton and Gay E. Phillips – set forth in Counts One and Two of Plaintiffs’ First Amended Complaint (Aug. 10, 2009) (ECF No. 122) – that Section 3 of the Defense of Marriage Act (“DOMA”), Pub. L. No. 104-199, § III, 110 Stat. 2419 (1996), codified at 1 U.S.C. § 7, violates the equal protection and substantive due process components of the Fifth Amendment.<sup>1</sup>

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<sup>1</sup> The Bipartisan Legal Advisory Group currently is comprised of the Honorable John A. Boehner, Speaker of the House, the Honorable Eric Cantor, Majority Leader, the Honorable Kevin McCarthy, Majority Whip, the Honorable Nancy Pelosi, Democratic Leader, and the Honorable Steny H. Hoyer, Democratic Whip. The Democratic Leader and Democratic Whip decline to support the filing of this cross-motion.

The House does not seek summary judgment on plaintiffs' constitutional challenges to DOMA Section 2; that statute is being defended by the Executive Branch defendants, represented by the Department of Justice. The House likewise does not seek summary judgment on plaintiffs' constitutional challenges to the Oklahoma Constitution.

A proposed Order is submitted herewith.

Respectfully submitted,

Paul D. Clement

/s/ H. Christopher Bartolomucci

H. Christopher Bartolomucci

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October 19, 2011

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 19, 2011, I electronically filed the foregoing Intervenor-Defendant's Cross-Motion for Summary Judgment with the Clerk of the Court for the U.S. District Court for the Northern District of Oklahoma using the appellate CM/ECF system. I further certify that all parties in this case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ H. Christopher Bartolomucci  
H. Christopher Bartolomucci