

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

MAJ SHANNON L. MCLAUGHLIN, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:11-cv-11905-RGS
	)	
LEON E. PANETTA, in his official capacity as	)	
Secretary of Defense; et al.,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

The Plaintiffs respectfully move, pursuant to Federal Rule of Civil Procedure 56(a), for summary judgment in their favor as to all of the counts asserted in the Plaintiffs' Complaint.

In support of this motion for summary judgment, Plaintiffs rely upon the following documents that are being filed simultaneously with this motion:

- (1) Plaintiffs' Statement of Undisputed Facts Pursuant to Local Rule 56.1 in Support of Plaintiff's Motion for Summary Judgment;
- (2) Declarations from each of the Service Members or Veteran Plaintiffs who requested and was denied federal benefits for their spouse, which are attached to Plaintiffs' Statement of undisputed Facts; and
- (3) a Memorandum of Law in Opposition to Defendants' Motion to Dismiss and in Support of Plaintiffs' Motion for Summary Judgment.

The reasons for granting the Plaintiffs' motion are set forth in full in the Plaintiffs' Memorandum of Law identified as Document (3) above.

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

In accordance with Local Rule 7.1(a)(2), Plaintiffs' counsel conferred with counsel for the government. The government has not announced a decision about the defense of this case. The government has requested additional time to consider this motion and the complaint before filing an answer or other responsive pleading, and the Plaintiffs are amenable to providing the government with more time to do so.

REQUEST FOR ORAL ARGUMENT

The Plaintiffs believe that oral argument will assist the Court in the resolution of the significant constitutional, and other, issues presented by this motion. Therefore, the Plaintiffs request oral argument after these issues have been fully briefed.

Respectfully submitted,

/s/ Ian McClatchey  
Ian McClatchey, BBO No. 676664  
IMcClatchey@Chadbourn.com  
CHADBOURNE & PARKE LLP  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-5303 (phone)  
(646) 710-5303 (fax)

/s/ John M. Goodman  
John M. Goodman  
JGoodman@SLDN.org  
David McKean  
DMcKean@SLDN.org  
SERVICEMEMBERS LEGAL DEFENSE NETWORK  
Post Office Box 65301  
Washington, DC 20035  
(202) 621-5401 (phone)  
(202) 797-1635 (fax)

/s/ Abbe David Lowell  
Abbe David Lowell  
ADLowell@Chadbourn.com  
Christopher D. Man  
CMan@Chadbourn.com  
CHADBOURNE & PARKE LLP  
1200 New Hampshire Ave., NW  
Washington, DC 20036  
(202) 974-5600 (phone)  
(202) 974-5602 (fax)

Counsel for Plaintiffs

Dated: November 21, 2011