

**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 TO SET A DEADLINE FOR SEEKING INTERVENTION

Plaintiffs ask the Court to lift the stay for the limited purpose of imposing a deadline for potential intervenors to seek intervention in this case.¹ The Complaint was filed in October 2011, nearly six month ago, and no party has sought to intervene, although the Bipartisan Legal Advisory Group of the House of Representatives ("BLAG") filed a Notice in November 2011 indicating that it may seek to intervene. (Dkt. 12.) That Notice explained that BLAG was awaiting a decision by the Department of Justice ("DOJ") as to whether it would defend this suit and that, if BLAG decided to intervene after DOJ's decision was made, it would "seek leave to intervene" and "file with this Court the appropriate motion papers as promptly as possible." (Dkt. 12 at 5; see also id. at 1 ("as expeditiously as possible."))

On February 17, 2012, Attorney General Holder advised the House that DOJ would not be defending this case because DOJ agreed with the Plaintiffs that the Defense of Marriage Act

¹ The United States takes no position on this motion.

("DOMA") is unconstitutional, and the Attorney General notified this Court of that decision on February 21, 2012. (Dkt. 28.) On March 7, 2012, the General Counsel of the House advised Plaintiffs' counsel that BLAG would likely intervene in the "next day or so," but it is a month later and BLAG has not intervened.

The Plaintiffs and the United States jointly proposed a stay, in part, because the First Circuit is considering the constitutionality of DOMA in two other cases, which were addressed at oral argument last week. Massachusetts v. U.S. Dep't of Health and Human Servs., and Gill v. OPM, Nos. 10-2204, 10-2207 & 10-2214 (1st Cir. oral argument April 4, 2012). Nevertheless, the Plaintiffs hope that this case will move quickly once the First Circuit rules in those cases. Accordingly, Plaintiffs would like the Court to set an earlier deadline for any third-parties to intervene, so that any issues concerning whether intervention should be permitted can be addressed and decided prior to the First Circuit's decision in Massachusetts and Gill. See also Fed. R. Civ. P. 24(a) & 24(b) (requiring a "timely motion" to intervene); Consejo de Salud Playa de Ponce v. Rullan, 546 F. Supp. 2d 22, 45 n.13 (D.P.R. 2008) (setting a deadline for the U.S. Attorney General to decide whether to intervene).

To help expedite the case and narrow the issues for trial, Plaintiffs ask that the Court set an April 20, 2012 deadline for potential intervenors to seek intervention in this case.

/s/ Ian McClatchey
Ian McClatchey, BBO No. 676664
IMcClatchey@Chadbourne.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: April 11, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's Electronic Case Filing system on April 11, 2012. A copy also was emailed to the General Counsel of the House of Representatives, a non-party, on April 9, 2012.

/s/ Christopher Man
Christopher D. Man, Esq.