

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EDITH SCHLAIN WINDSOR, in her)	
capacity as executor of the estate of)	
THEA CLARA SPYER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10-CV-8435 (BSJ)(JCF)
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERVENOR-DEFENDANT’S MOTION TO DISMISS

Intervenor-Defendant, the Bipartisan Legal Advisory Group of the U.S. House of Representatives, through its undersigned counsel, hereby moves to dismiss this action pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. To the extent that this Court finds that Plaintiff has standing, this action should be dismissed for failure to state a claim upon which relief can be granted.

The grounds for this motion are more fully set forth in the accompanying Memorandum.

Respectfully submitted,

/s/ Paul D. Clement

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August 1, 2011

CERTIFICATE OF SERVICE

I certify that on August 1, 2011, I served one copy of Intervenor-Defendant's Motion to Dismiss by CM/ECF and by electronic mail (.pdf format) on the following:

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