



No. 12-307

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IN THE  
**Supreme Court of the United States**

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THE UNITED STATES OF AMERICA,

*Petitioner,*

v.

EDITH SCHLAIN WINDSOR, in her capacity as  
Executor of the estate of THEA CLARA SPYER,

*Respondent,*

**On Petition For Writ Of Certiorari  
Before Judgment To The United States  
Court Of Appeals For The Second Circuit**

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**SUPPLEMENTAL BRIEF FOR  
RESPONDENT WINDSOR**

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On October 18, 2012, the United States Court of Appeals for the Second Circuit ruled in Ms. Windsor's favor in this case; it held that Section 3 of the Defense of Marriage Act ("DOMA") violates the Constitution's guarantee of equal protection under the laws. That ruling makes the Second Circuit the second federal court of appeals to declare DOMA unconstitutional and the first to hold that heightened constitutional scrutiny applies to DOMA's discrimination against lesbians and gay men.

Following that decision, on October 26, 2012, the United States filed a Supplemental Brief with this Court. For the reasons stated by the United States in that brief and for the reasons stated in her prior briefing, Respondent Edith Windsor respectfully requests that this Court grant the petition filed by the United States.

Respectfully submitted,

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October 29, 2012