

## **Zelle Hofmann and Employment Law Center Attorneys Defeat Government Motion To Dismiss In Defense Of Marriage Act Case**

February 1, 2012

The class plaintiffs challenging federal laws that exclude gay and lesbian state workers and their domestic partners from equal access to California's long-term care insurance plan have prevailed against the government's motion to dismiss domestic partners from the case. U.S. District Judge Claudia Wilken, of the Northern District of California, issued an order denying the government's motion on January 26, 2012. The court previously certified the case as a class action comprised of California state workers and their same-sex spouses and registered domestic partners. The spouses and registered domestic partners are among the only family members of California state workers who are not permitted to apply for long-term care insurance offered by the California Public Employees' Retirement System, known as CalPERS. The exclusion is based on the federal Defense of Marriage Act, and the federal government had opposed the inclusion of registered domestic partners in the certified class. The court will hear summary judgment motions in April 2012.

The class plaintiffs were represented by the Legal Aid Society - Employment Law Center, as well as Zelle Hofmann.