

Zelle Hofmann and Employment Law Center Attorneys Win Landmark Ruling in Defense of Marriage Act Case

May 31, 2012

On Thursday, May 24, U.S. District Judge Claudia Wilken of the Northern District of California granted summary judgment in favor of gay and lesbian state workers who, together with their registered domestic partners or spouses, are excluded from equal access to California's Long-Term Care Insurance Program. The decision, one of two landmark rulings to come out of California federal court on the controversial law this year, means the California Public Employees Retirement System must provide insurance access to same-sex spouses and domestic partners under the U.S. Constitution's equal protection clause.

The lawsuit, *Dragovich v. CalPERS*, challenges federal laws including the Defense of Marriage Act (DOMA) which regulate state-sponsored long-term care plans. These laws permit employees and an array of family members to join such plans, including opposite-sex spouses, but exclude the spouses and registered domestic partners of gay and lesbian workers. Judge Wilken found that the statutory preclusion of gay and lesbian spouses and partners violated the United States Constitution's guarantee of equal protection.

The class plaintiffs are represented by the Legal Aid Society - Employment Law Center, as well as Zelle Hofmann. More information on the ruling can be found on the Legal Aid Society - Employment Law Center's website.