

California Federal District Court Finds DOMA Unconstitutional

March 15, 2012

A federal district court in California recently held that the Defense of Marriage Act (DOMA) unconstitutionally discriminates against same-sex married couples. In the case, the plaintiff, who was employed by the U.S. Court of Appeals for the 9th Circuit, challenged the denial of health insurance coverage for her same-sex spouse. The same-sex couple had married on August 21, 2008 during the period that same-sex marriage was permitted under California law. The district court granted summary judgment to the plaintiff on her claim that Section 3 of DOMA violated her 5th Amendment right to equal protection of the law. In its decision, the court determined that a previous 9th Circuit decision was no longer binding precedent and instead ruled that discrimination based on sexual orientation is considered a suspect or quasi-suspect class which is entitled to a heightened scrutiny standard of judicial review. The court's decision found that DOMA does not survive such judicial review. *Golinski v. U.S. Office of Personnel Management*, No. C10-00257 JSW (N.D. Cal. Feb. 22, 2012).