

Exhibit 1
Ninth Circuit Cases Involving Federal Constitutional Rights of Gays and Lesbians
(since January 1, 2010)

<u>Case</u>	<u>Treatment of Federal Constitutional Issue</u>	<u>Members of the Panel</u>	<u>Published/Unpublished</u>	<u>Date of Oral Argument</u>
<i>Kemp v. Ryan</i> , 638 F.3d 1245 (April 28, 2011)	Habeas action in which Ninth Circuit panel rejected plaintiff's assertion that the Due Process Clause of the 14 th Amendment entitled him to re-voir dire the jury after the trial court denied his motions in limine that would have barred the introduction of evidence of plaintiff's homosexual assault	Rymer, Callahan, Ikuta	Published	March 10, 2011
<i>U.S. v. Osazuwa</i> , 446 Fed. Appx. 919 (Aug. 12, 2011)	affirmed district court's finding that defendant failed to show purposeful discrimination by government in exercising a preemptory strike against a potential juror who was a lesbian	Reinhardt, Wardlaw, Berzon	Unpublished	Aug. 4, 2011
<i>Diaz v. Brewer</i> , 656 F.3d 1008 (Sept. 6, 2011)	affirmed district court's order granting preliminary injunction to prevent state law taking effect that would have terminated eligibility for health-care benefits of state employees' same-sex partners; plaintiffs demonstrated a likelihood of success on the merits because they showed that the law adversely affected a classification of employees on the basis of sexual	Schroeder, Thomas, Bennett (District Judge)	Published	Feb. 14, 2011

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<i>Log Cabin Republicans v. United States</i> , 658 F.3d 1162 (Sept. 29, 2011)	vacated district court's order permanently enjoining application of the congressionally enacted "Don't Ask, Don't Tell" policy, 10 U.S.C. § 654(b) (repealed), as facially violating due process and the First Amendment; repeal of § 654 during the pendency of the appeal rendered the case moot	Alarcón, O'Scannlain, Silverman	Published	Sept. 1, 2011
<i>Ward v. Carr</i> , 467 Fed. Appx. 721 (Feb. 3, 2012)	affirmed district court's dismissal of state prisoner's equal protection claim because he did not submit sufficient evidence for a reasonable juror to conclude that he was intentionally discriminated against because of his homosexuality	Wallace, Noonan, M. Smith	Unpublished	Jan. 13, 2012
<i>Perry v. Brown</i> , 671 F.3d 1052 (Feb. 7, 2012)	affirmed district court on basis that Proposition 8 violated equal protection clause by taking away the rights of same-sex couples to marry	Reinhardt, Hawkins, N.R. Smith	Published	Argued Dec. 6, 2010; argued again Dec. 8, 2011

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<i>Barnes-Wallace v. City of San Diego</i> , 704 F.3d 1067 (Dec. 20, 2012)	lesbian plaintiffs failed to show that by leasing public premises to the Boy Scouts, City treated them differently from other members of the public for purposes of their equal protection claims	Canby, Kleinfeld, Berzon	Published	Argued June 20, 2011
<i>Galaro v. Adewundmi</i> , 531 Fed. Appx. 830 (June 24, 2013)	reversed district court's denial of summary judgment because plaintiffs had failed to provide sufficient evidence to raise a triable issue of fact as to allegations that state social worker harbored discriminatory animus toward them on the basis of their sexual orientation and that due to that animus he recommended that the state remove a child from their home	Farris, D.W. Nelson, Nguyen	Unpublished	No oral argument; deemed submitted June 11, 2013

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<i>Golinski v. United States Office of Personnel Mgmt.</i> , 724 F.3d 1048 (July 23, 2013, corrected July 25, 2013)	order dismissing appeals; Golinski, a 9th Circuit staff attorney, pursued administrative remedies under EDR plan to secure federal benefits for same-sex spouse and then filed suit in federal court contending § 3 of DOMA was unconstitutional; district court ruled § 3 of DOMA unconstitutional, which was appealed; parties stipulated to dismissal of appeals in light of U.S. Supreme Court's decision in <i>Windsor</i>	Alarcón, Thomas, Berzon	Published	No oral argument; appeals dismissed
<i>SmithKline Beecham Corp. v. Abbott Labs.</i> , 740 F.3d 471 (Jan. 21, 2014)	concluded that the appropriate level of scrutiny for reviewing equal protection claims related to sexual orientation discrimination is “heightened scrutiny”; held that use of preemptory strike to remove juror based on sexual orientation constituted intentional discrimination which was prohibited by <i>Bastón</i> ; reversed district court	Schroeder, Reinhardt, Berzon	Published	Sept. 18, 2013

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<p><i>Jackson v. Abercrombie</i>, Nos. 12-16995 & 12-16998; <i>Sevcik v. Sandoval</i>, No. 12-17668; <i>Latta v. Otter</i>, Nos. 14-35420 & 14-35421; Decision in Idaho and Nevada cases: <i>Latta v. Otter</i>, 14-35420, 2014 WL 4977682 (9th Cir. Oct. 7, 2014)</p>	<p>concluded that Nevada’s and Idaho’s laws preserving marriage as the union of a man and a woman violated the Fourteenth Amendment’s equal protection clause;</p>	<p>Reinhardt, Gould, Berzon</p>	<p>Published</p>	<p>Sept. 8, 2014</p>