

FILED

UNITED STATES COURT OF APPEALS

OCT 28 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MICHAEL DRAGOVICH; et al.,

No. 12-16628

Plaintiffs - Appellees,

D.C. No. 4:10-cv-01564-CW  
Northern District of California,  
Oakland

v.

UNITED STATES DEPARTMENT OF  
THE TREASURY; et al.,

ORDER

Defendants - Appellants,

and

BOARD OF ADMINISTRATION OF  
CALIFORNIA PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM and ANNE  
STAUSBOLL, Chief Executive Officer,  
CalPERS,

Defendants,

BIPARTISAN LEGAL ADVISORY  
GROUP OF THE U.S. HOUSE OF  
REPRESENTATIVES,

Intervenor-Defendant.

Before: THOMAS, McKEOWN, and RAWLINSON, Circuit Judges.

Appellants' unopposed "motion to vacate in part and remand" is granted. We vacate the portion of the district court's judgment concerning the domestic partner plaintiffs, and remand the case for further proceedings in light of subsequent legal developments, including the Supreme Court's subsequent decisions in *United States v. Windsor*, 133 S. Ct. 2675 (2013), and *Hollingsworth v. Perry*, 133 S. Ct. 2652 (2013), as well as the resumption of marriage licenses for same-sex couples in California.

**VACATED in part; and REMANDED.**