

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL J. FROMMERT, et al.,

Plaintiffs,

v.

SALLY L. CONKRIGHT, et al.,

Defendants.

**NOTICE OF MOTION AND
PLAINTIFFS' MOTION FOR
CLARIFICATION AND/OR
RECONSIDERATION RE:
PREJUDGMENT INTEREST
ORDER**

00-CV-6311(L)

PLEASE TAKE NOTICE that Plaintiffs hereby move for clarification and/or reconsideration of this Court's Order regarding prejudgment interest of November 3, 2016 (Dkt. No. 319) to provide that the prejudgment interest rate is a fixed prime rate for each plaintiff; that the prejudgment interest rate for each plaintiff is set at and commences on the date each such plaintiff left his or her employment at Xerox; and that the plaintiffs in the *Layaou* Group who are entitled to greater benefits under new hire plus prejudgment interest than the amount they received in 2009 remain entitled to the greater "new hire" award.

This Notice of Motion and Motion for Clarification and/or Reconsideration Re: Prejudgment Interest Order is based on this Notice of Motion and Motion; the Memorandum of Points and Authorities in support thereof; the Declaration of Shaun P. Martin and attached exhibits submitted herewith; the reply brief in support of the Motion; all testimony or evidence submitted at or before the hearing on this Motion; and all matters of which this Court may take judicial notice.

PLEASE TAKE FURTHER NOTICE that plaintiffs intend to file and serve reply papers, and the opposing parties are thus required to file and serve opposing papers within the time period established by Local Rule 7.

Dated: November 28, 2016 /s/ Shaun P. Martin
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