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**VIA ELECTRONIC FILING**

The Honorable David G. Larimer  
United States District Court for the  
Western District of New York  
100 State Street  
Rochester, NY 14614

Re: Frommert et al v. Conkright et al  
Civil Action No. 00-CV-6311

Dear Judge Larimer:

This letter is to advise the Court that, upon further reflection, defendants believe that they have adequately addressed plaintiffs' claims with regard to the recent Supreme Court's decision in *Cigna v. Amara*, 179 L. Ed. 843 (2011), both at oral argument and in our prior letter dated May 27, 2011. We do not intend to file a supplemental Memorandum of Law. To the extent plaintiffs nevertheless, file a supplemental brief, we would respectfully request an opportunity to reply.

Respectfully submitted,

/s/Margaret A. Clemens

Margaret A. Clemens

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