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VIA EMAIL

The Honorable Richard H. Kyle
Senior U.S. District Judge, District of Minnesota
United States District Court
772 Federal Building
316 N. Robert Street
St. Paul, Minnesota 55101

Re: *Buetow, et al. v. A.L.S. Enterprises, Inc., et al.*
Case No. 07-cv-3970

Dear Judge Kyle:

We write you as counsel for Defendants in the above-captioned action. On November 21, 2008, Plaintiffs filed their motion for class certification. That motion is fully briefed and is scheduled to be heard by this Court on May 5, 2009.

In their March 10 reply brief, Plaintiffs relied upon a February 26, 2009 order in *Mooney v. Allianz Life Ins. Co.*, Civil Action No. 06-545 (ADM/FLN) (D. Minn.).

By this letter, Defendants seek permission to submit a three page letter addressing *Mooney* and Plaintiffs' arguments based on that case, and also to discuss a second recent decision from this Court, a February 23, 2009 order in *Avritt v. Reliastar Life Insurance Co.*, Civil No. 07-1817 (JNE/JJG), 2009 WL 455808 (D. Minn.).

Thank you for your consideration.

Sincerely,

FOLEY & LARDNER LLP

/s/ Naikang Tsao

cc: Counsel of Record (via email)

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