

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

IN RE EXPRESS SCRIPTS/ANTHEM
ERISA LITIGATION

Case No. 1:16-cv-03399-ER

Hon. Edgardo Ramos

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs John Doe One, John Doe Two, Karen Burnett, Brendan Farrell, Robert Shullich, Brian Corrigan, Stamford Health, Inc., and Brothers Trading Co., Inc. (collectively, "Plaintiffs") in the above-captioned case appeal to the United States Court of Appeals for the Second Circuit from the order entered by the Court on January 5, 2018 (Doc. No. 156) granting Defendants Express Scripts, Inc. and Anthem, Inc.'s Motions to Dismiss (Doc. Nos. 93, 96). The Order granted Plaintiffs leave to amend, but Plaintiffs hereby provide written notice to the Court and to the United States Court of Appeals for the Second Circuit that they disclaim any intent to amend the Second Amended Complaint, thereby rendering the Court's Order a "final decision" with the meaning of 28 U.S.C. § 1291. *See Slayton v. American Express Co.*, 460 F.3d 215, 224 (2d Cir. 2006); *The Connecticut Nat'l Bank v. Fluor Corp.*, 808 F.2d 957, 960-61 (2d Cir. 1987).

DATED: February 2, 2018.

KELLER ROHRBACK L.L.P.

By /s/ Derek W. Loeser

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of February, 2018, the foregoing Notice of Appeal was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's CM/ECF system.

DATED: February 2, 2018.

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By /s/ Derek W. Loeser

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