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EDWARD BENNETT WILLIAMS (1920-1988)  
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September 25, 2020

**Via CM/ECF**

Ms. Molly C. Dwyer, Clerk of Court  
United States Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

Re: *John Doe, et al. v. CVS Pharmacy, Inc., et al.*, No. 19-15074

Dear Ms. Dwyer:

Appellees CVS Pharmacy, Inc., Caremark, L.L.C., and Caremark California Specialty Pharmacy, L.L.C. (collectively the “CVS Appellees”) write as a courtesy to alert the panel that decisions in the cases for which the Court’s June 16, 2020 order deferred submission of this appeal—*Schmitt v. Kaiser Foundation Health Plan*, Case No. 18-35846 (“*Schmitt*”), and *E.S. v. Regence BlueShield*, Case No. 18-35892 (“*Regence*”)—have become final. As noted in the CVS Appellees’ July 17, 2020 Rule 28(j) letter, decisions issued in those cases on July 14, 2020. The *Schmitt* appellees petitioned for rehearing en banc. Dkt. No. 55, No. 18-35846. On August 27, the *Schmitt* panel denied the petition. Order, Dkt. No. 61, No. 18-35846.

Respectfully submitted,



Craig D. Singer

Counsel for Appellees CVS Pharmacy, Inc.,  
Caremark, L.L.C., and Caremark California  
Specialty Pharmacy, L.L.C.