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December 1, 2025

Via ECF

Honorable Brian R. Martinotti
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

**RE: Rowe Plastic Surgery of NJ LLC v. Aetna Life Insurance Company,
Case No. 2:25-cv-15053-BRM-MAH**

Dear Judge Martinotti:

This firm represents Plaintiff Rowe Plastic Surgery of NJ LLC (“Plaintiff”), in the above captioned matter. There is a pre-motion conference scheduled before Your Honor tomorrow, December 2, 2025, at 2:30 p.m.

In its November 7, 2025 letter (Dkt. No. 12), Plaintiff objected to Defendant Aetna Life Insurance Company’s (“Defendant”) request for a pre-motion conference because Plaintiff sought to amend its Complaint to incorporate additional causes of action including unjust enrichment and violations of the Employee Retirement Income Security Act (“ERISA”) as a result of Your Honor’s Order and Opinion in the matter of *Modern Orthopedics of NJ v. Premera Blue Cross*, Case No. 2:25-cv-01087 (BRM) (JSA) where Your Honor found that neither the Federal Arbitration Act (“FAA”) or the No Surprises Act (“NSA”) provided a basis or private right of action for the court to confirm Independent Dispute Resolution (“IDR”) awards issued pursuant to the NSA.

Whereas *GPS of New Jersey M.D., P.C. v. Horizon Blue Cross & Blue Shield*, Civ. No. 22-6614 (KM) (JBC), U.S. Dist. LEXIS 159460 (D.N.J. Sept. 8, 2023) was the only other case in this district that addressed these NSA related issues at the time Plaintiff filed its November 7th letter, the Honorable Stanley R. Chesler recently rendered additional decisions that are in line with Your Honor’s decision.

In light of those decisions, Plaintiff no longer wishes to preserve its FAA and NSA causes of action and seeks to file an amended complaint that only contains causes of action for unjust enrichment and violations of ERISA. In the interest of judicial economy, at tomorrow’s conference Plaintiff will seek leave from the Court to amend its Complaint to include the aforementioned causes of action.

As always, I thank the Court for its courtesies and attention to this matter.

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Respectfully submitted,

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cc: All Counsel of Record