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GIRARDI | KEESE
LAWYERS

January 9, 2001

Professor Roger Baron
University of South Dakota
414 East Clark Street
Vermilion, South Dakota 57069-2390

Re: Reynolds Metals Co. v. Robert Ellis

(202 F.3d 1246)

Dear Professor Baron:

It is with mixed feelings that I enclose a copy of the dismissal of the writ of certiorari by the United States Supreme Court.

On the one hand, I am pleased that my client will preserve the proceeds of his settlement, which was intended to compensate him in some way for the loss of his wife as well as the use of his legs.

On the other hand, the dismissal will deprive me of the opportunity to assist you in briefing and arguing to the Supreme Court that the rule in the 9th Circuit should be adopted across the country. It may be that Reynolds, fearing that result, decided it could live with the 9th Circuit being alone in depriving ERISA plans reimbursement rights against ERISA participants.

Thank you for all your support and assistance.

With kind regards,

JAMES B. KROPFF

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Enclosures

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