

From: @.
To: @.; @.
Cc: @.; @.
Subject: Bozzi v. Jersey City (Dog License OPRA Case) - Supreme Court Decision
Date: Monday, September 20, 2021 10:36:01 AM
Attachments: [image001.png](#)
[image003.png](#)
[2021 09 20 - Bozzi v Jersey City NJSC Decision.pdf](#)

All,

The NJ Supreme Court released its opinion in *Bozzi v. Jersey City*, a matter which directly asked the court to review the disclosure of dog licenses under OPRA and whether doing so would violate OPRA's direction to safeguard personal information.

In short, the Court found that there is no reasonable expectation of privacy in owning a dog, therefore there is no reason to exempt the disclosure of this information under OPRA. Owners frequently walk their dogs in public, take them to public places like grooming sessions and vet visits, and because there is no specific exemption in the law preventing disclosure of dog ownership information the Court refuses to create one judicially.

Justin Peierre-Louis wrote a dissenting opinion in which Justice Albin joined. The two dissenting justices have stronger beliefs in protecting privacy and that OPRA "should recognize every citizen's right not to have each and every piece of information provided to the government divulged for reasons that do not further the purpose of OPRA, and the fact that information may be available elsewhere does not eliminate a person's reasonable expectation of privacy altogether."

I will have additional analysis once I more fully review the opinion.

Frank

Frank Marshall, Esq. | Associate General Counsel
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: [Erin Gill](#)
To: [Frank Marshall](#)
Subject: FW: Important OPRA Decision - NJLM Amicus Request
Date: Tuesday, August 17, 2021 10:50:59 AM
Attachments: [image006.png](#)
[image008.png](#)
[rise against hate v CHT reply brief.pdf](#)
[rise against hate v CHT plaintiff brief.pdf](#)
[Defendants answer to complaint.pdf](#)

Frank – attached are the briefs filed in this matter. I will get the letter from the Mayor over to you today as well. I think the summary I sent last week properly sums-up the importance of this case from our perspective, so please feel free to use this for number 4.

Thanks!

Erin Patterson Gill, Esq.

Business Administrator
Cherry Hill Township
820 Mercer St., Room 105
Cherry Hill, N.J. 08002
(856) 488-7878

Please consider the environment before printing this email.



From: Brandon Hawkins <@.>
Sent: Monday, August 16, 2021 3:49 PM
To: Erin Gill <@.>; Emeshe Arzon <@.>
Cc: Michael Miles <@.>
Subject: RE: Important OPRA Decision - NJLM Amicus Request

Erin,

See attached.

From: Erin Gill <@.>
Sent: Monday, August 16, 2021 3:38 PM
To: Emeshe Arzon <@.>; Brandon Hawkins <@.>
Cc: Michael Miles <@.>
Subject: FW: Important OPRA Decision - NJLM Amicus Request

Brandon –

Could you please send me the briefs that were filed, both by us, as well as RAH, in this matter?

Thanks!

Erin

Erin Patterson Gill, Esq.

Business Administrator
Cherry Hill Township
820 Mercer St., Room 105
Cherry Hill, N.J. 08002
(856) 488-7878

Please consider the environment before printing this email.



From: Frank Marshall <[@.](#)>
Sent: Monday, August 16, 2021 3:14 PM
To: Erin Gill <[@.](#)>
Subject: Important OPRA Decision - NJLM Amicus Request

Erin,

Nice speaking with you today. As I mentioned on our call the League would be happy to entertain the prospect of joining as amicus in the Rise Against Hate v. Cherry Hill matter. Before the League can join as amicus there is a review process that must be followed which requires a few items from the requesting party. I have listed these items below:

1. A letter signed by the mayor requesting League intervention as amicus. (Two examples of this is attached.)
2. All briefs submitted by each party, at any applicable court level.
3. Any decisions issued by any court. (I already have a copy of the superior court opinion.)
4. A short synopsis of the matter. (I have a copy of this from your initial email to Mike Cerra that I can use, but feel free to supplement if you think it is warranted.)

Once I have all of these items they will be forwarded to the League's "Amicus Committee" which consists of a number of municipal attorneys who will review the matter and decide if it warrants League intervention. Once a decision has been made you will receive notice regarding League intervention. The review process usually takes between 1-2 weeks.

If you have any questions please do not hesitate to contact me.

Thanks,
Frank

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 x. 137



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Cherry Hill Township provides a secure environment for all information concerning our residents and all other business concerns. The information contained in this email is intended only for the individual(s) addressed in the message and may contain privileged and/or confidential information that is exempt from disclosure under applicable law.

From: @.
To: @.
Subject: OPRA Request - 5/5/20
Date: Thursday, May 28, 2020 11:52:42 AM
Attachments: [image002.png](#)
[image006.png](#)
[NJLM.cover.062415.pdf](#)
[NJLM.nom.062515.pdf](#)
[NJLM.pos.062515.pdf](#)
[NJLM.PleadingSummary.062515.pdf](#)
[NJLM.Brief.062515.pdf](#)
[NJLM.prop.order.072115.pdf](#)
[DEPTFORD COMPLAINT - COLM 0003-15- STATE MTD REPLY LETTER.pdf](#)
[NJLM.Ltr.100915.pdf](#)
[Cov.Ltr.NJLM.122415.pdf](#)
[POS.NJLM.122415.pdf](#)
[Brief.Deptford.Complaint.NJLM.122415.pdf](#)
[DEPTFORD COLM-0003-15- State Opp to Deptford SJM.pdf](#)

Ms. Harvey,

This correspondence is in response to a request you made under the Open Public Records Act, dated May 5, 2020, wherein you have requested:

Request 1

"All pleadings and information submitted by or received by the League of Municipalities to the Council on Local Mandates in In the Matter of A Complaint filed by Deptford Township, Council on Local Mandates decided on April 20, 2016." And;

Request 2

"All pleadings and information submitted by or received by the League of Municipalities to the Council to the Council on Local Mandates in In the Matte of A Complaint filed by Ocean Township (Monmouth County) and Frankford Township (August 2, 2002)."

In response to Request 1, I have attached the following:

1. NJLM.cover.062415
2. NJLM.nom.062515
3. NJLM.pos.062515
4. NJLM.PleadingSummary.062515
5. NJLM.Brief.062515
6. NJLM.prop.order.072115
7. DEPTFORD COMPLAINT - COLM 0003-15- STATE MTD REPLY LETTER
8. NJLM.Ltr.100915
9. Cov.Ltr.NJLM.122415
10. POS.NJLM.122415
11. Brief.Deptford.Complaint.NJLM.122415
12. DEPTFORD COLM-0003-15- State Opp to Deptford SJM

In regards to Request 2, the records you have requested may not be in the League's possession. The records you request pertain to a matter the League was involved in prior to the 2011 NJ Supreme Court Decision that

interpreted the League to be subject to the Open Public Records Act, (see, Fair Share Housing Center, Inc., vs. NJ State League of Municipalities, 207 N.J. 489, (2011)). While it is possible that these records are available, my ability to search for documents responsive to your request is constrained by the realities of the current COVID-19 pandemic. Due to the pandemic I am working remotely and, while I have access to electronic files, my access to physical files is limited. I will be making arrangements to search the physical files in storage but at this moment cannot give a timeframe for when this can be achieved. Once I have the opportunity to search these files I will respond with a definitive response to your request.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Frank Marshall

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

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If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Frank Marshall

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 x. 137



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: [Anonymous Requestor](#)
To: [OPRA requests at NJSLOM](#)
Subject: OPRA request - NJ League of Municipalities Records Involving OPRA (Open Public Records Act)
Date: Wednesday, April 20, 2022 12:19:53 AM

Dear New Jersey State League of Municipalities,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Relevant Background & Opinions of Anonymous Requester

Irvington Township recently filed a rather disturbing lawsuit that shocked and upset a great number of New Jerseyans. It quickly became a big, statewide news story covered by many NJ news outlets.

The presumably frivolous lawsuit brought by Irvington (since abandoned) was brought against a female, African American, senior citizen OPRA requester that required the intervention of the American Civil Liberties Union (ACLU) to apparently "encourage" Irvington to dismiss the inappropriate lawsuit brought in apparent retaliation against this woman for exercising her right to free speech, her right to petition for a redress of grievances, and her rights under OPRA and common law.

Similar tactics appear to be a new and upcoming trend among New Jersey Municipalities to attack, belittle, defame, sue, threaten, and portray OPRA requesters as "problems" when they are simply exercising their very important, very lawful, and very much protected rights under New Jersey's Open Public Records Act.

In this regard, it was brought to my attention by an aide to a former New Jersey State Senator that the New Jersey League of Municipalities is a staunch opponent of the Open Public Records Act in its current form, and that the NJLM has been actively lobbying to have OPRA requesters CHARGED SUBSTANTIAL FEES for records responsive to their OPRA requests (currently there is rarely a fee for digital records) in an attempt to actively thwart public inquiries into government activities behind closed doors. OPRA, by contrast, is designed to shine a light on these hidden activities. Such government transparency needs to increase, not decrease, and definitely not be thwarted by politicians who fear the light of public inquiry into their often improper, inappropriate, wasteful, and/or illegal activities.

It appears that the NJLM may be involved in encouraging and advising various New Jersey municipal leaders in such a way that these leaders often feel far more inclined to attack, bully, harass, threaten, demean, intimidate, retaliate against, obstruct, dissuade, and otherwise undermine legitimate OPRA requesters in various ways -- often using very similar language.

The language of these increasingly common complaints made by municipal leaders against benign and well-meaning OPRA requesters appears eerily similar, as they often seem to use the same keywords and catch-phrases in their (often defamatory) attacks on OPRA requesters such as "voluminous requests," "unduly burdensome," and "harass, bully, and harm municipal employees," even when they are simple, ordinary, and infrequent requests.

In short, municipal leaders are actively dodging their responsibilities under OPRA and trying to blame requesters for their own failures and violations of OPRA, instead of simply responding to often very basic and straightforward OPRA requests in a timely, respectful, and professional manner -- and that needs to end.

As such, I am requesting records from the NJ League of Municipalities involving these increasingly-used keywords and catch-phrases as they relate to or involve OPRA requests and OPRA requesters.

- End of relevant background and personal opinions -

Records requested:

Copies of any and all public records containing one or more of the following keywords in relation to

communications and documents specifically involving "OPRA" or the "Open Public Records Act" (see search details below list):

"Frivolous"
"Unduly"
"Burden"
"Burdened"
"Burdensome"
"Overburden"
"Overburdening"
"Overburdened"
"Time consuming"
"Voluminous"
"Expensive"
"Harass"
"Harassment"
"Harm"
"Abuse"
"Stalk"
"Stalking"
"Intimidate"
"Intimidating"
"Too Many"
"Irvington"
"Elouise McDaniel"
"McDaniel"
"Tony Vauss"
"Vauss"
"Resolution"
"Lawsuit"
"Legislation"

Please search each keyword above individually in relation to records specifically discussing or involving OPRA, the Open Public Records Act, OPRA requests, OPRA complaints filed against records custodians, OPRA-handling strategies and suggestions for municipal records custodians and clerks, OPRA opinion pieces, and similar OPRA-related records.

One way to do this effectively would be to search for a individual "Keyword" in the list above plus the word "OPRA" such as:

"Voluminous" and "OPRA" ... searched together, and then...

"Voluminous" and "Open Public Records Act" ... again, searched together...

And then repeating this process for every keyword in the list in relevant records sources such as emails, text messages, meeting minutes, audio/video transcripts, etc, to locate all relevant records.

"Parties" should include representatives (agents, officers, and employees) of the New Jersey League of Municipalities.

With respect to email records, please provide them in a PDF in "landscape" orientation and include the following fields: Sender/Receiver, To/From, Cc, Bcc, Subject, Body of Email, Email Attachments, all embedded images, Date, and Time.

Time frame for this request should be January 1, 2018 to present.

Types of communications and documents should include but not be limited to emails, letters, publications, speeches, text/SMS messages, audio recordings (i.e. in-person meetings, voicemails, text message voicemails, etc.), video recordings (i.e. Zoom meetings, conventions, public speakers, etc.), online posts, online articles, trainings,

presentations, curriculum, newsletter articles, memos, books, manuals, opinion pieces, editorials, agendas, minutes, templates, sample or draft resolutions, sample or draft legislation, and other records discussing OPRA-related matters that include any of the keywords in the list above.

I request that responsive records be provided in searchable PDF format as an email reply.

I believe this request is clearly defined, highly specific, not overly-broad, and includes all necessary elements for a targeted and specific search of public records. However, if you believe this request requires additional clarification or a further narrowing in some way, please specify whatever you deem to be overly broad or not specific enough so that I may consider clarifying/narrowing my request further.

Thank you in advance for your timely and professional handling of my request.

Yours faithfully,

Anonymous Requestor

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxxxxxxx

Is xxxx@xxxxxx.xxx the wrong address for OPRA requests to New Jersey State League of Municipalities? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=njslom

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/nj_league_of_municipalities_reco

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

From: @._____
To: @._____
Cc: @._____; @._____
Subject: Published OPRA Decision - Bozzi v Roselle Park
Date: Monday, February 24, 2020 9:36:46 AM
Attachments: [image009.png](#)
[image011.png](#)
[Bozzi v Roselle Park - Pub App - 2020 02 21.pdf](#)

Carl,

I was wondering if you saw the attached published decision issued by the Appellate Division this last Friday and what your thoughts are. It deals with the release under OPRA of names and home addresses on dog licenses.

Frank

Frank Marshall, Esq. | Associate General Counsel
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: @.
To: @.
Subject: RE: OPRA - Daniels Law
Date: Monday, March 22, 2021 1:20:41 PM
Attachments: [image003.png](#)
[image005.png](#)
[image007.png](#)
[PL 2020 c 125.PDF](#)

Raymond,

The section of the bill you referenced (Section 7) is codified at N.J.S.A. 56:8-166.2. I have attached a copy of the Pamphlet Law for reference.

Frank

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: Raymond J. Went, Jr. [mailto:@.]
Sent: Friday, March 19, 2021 2:15 PM
To: Frank Marshall
Subject: OPRA - Daniels Law

Frank:

Thank you for speaking with me this week. Again, I represent the City of Port Republic. As a follow-up to our conversation, it appears the attached, highlighted bill language never made it into the most recent amended statute. Does that sound right?

Thanks,

Raymond J. Went, Jr., Esquire
Nehmad Davis & Goldstein, PC, Counselors at
Law
4030 Ocean Heights Avenue
Egg Harbor Township, NJ 08234
Telephone: 609.927.1177, Ext. 109
Cell: 609.703.0767



LinkedIn: www.linkedin.com/in/raywent
www.ndglegal.com

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From: [Caruso, Frank](#)
To: [Danielle Holland](#)
Cc: [Carl Woodward](#)
Subject: RE: OPRA Agenda and Promo
Date: Thursday, January 9, 2020 5:13:47 PM
Attachments: [image001.png](#)
[image003.png](#)
[2019 NJLM Conference Case Study .pdf](#)

Good afternoon,

Sorry for the delay. It's been a little messy around here coming out of the holidays.

I am good with the agenda as presented. I am also attaching my handout from the November seminar. I'm sure there will be a few updates between now and then, but it is a good start. Looking forward to some of the questions coming from members.

Sincerely,

Frank F. Caruso

Government Records Council

Executive Director

Tel: (609) 341-3479 | Fax: (609) 633-6337

<http://www.state.nj.us/grc/>

This correspondence contains advisory, consultative and deliberative material and is intended solely for the person(s) shown as recipient(s).

From: Carl Woodward <@.>
Sent: Thursday, January 9, 2020 10:08 AM
To: Danielle Holland <@.>; Caruso, Frank <Frank.Caruso@dca.nj.gov>
Subject: [EXTERNAL] RE: OPRA Agenda and Promo

Danielle,

The promo looks just fine. Thanks for preparing.

Regards,

Carl R. Woodward, III
Carella, Byrne, Cecchi, Olstein,
Brody & Agnello, P.A.
5 Becker Farm Road
Roseland, New Jersey 07068
Phone: (973) 994-1700
Fax: (973) 994-1744

Email: xxxxxxxx@xxxxxxxxxxx.xxx

The contents of this e-mail message are from the law firm of Carella, Byrne and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

IRS Circular 230 disclosure:

To ensure compliance with requirements imposed by the IRS, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Danielle Holland <[@.](mailto:)>
Sent: Wednesday, January 8, 2020 11:04 AM
To: Caruso, Frank <[@.](mailto:)>; Carl Woodward <[@.](mailto:)>
Subject: OPRA Agenda and Promo
Importance: High

Good Morning,
For the promo piece for the OPRA seminar, I tried to keep the agenda short. How does the attached look? Anything you want me to add/change? Let me know and thank you both!

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager
New Jersey State League of Municipalities
222 West State Street ,Trenton, NJ 08608
Phone: 609-695-3481 ext 118

Follow us



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prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

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[image016.png](#)
[image002.png](#)
[image006.png](#)
[COLM-0003-15 Respondent State of New Jersey MTD 6-11-15.pdf](#)
[DEPTFORD COLM-0003-15- State Opp to Deptford SJM.pdf](#)
[DEPTFORD COMPLAINT - COLM 0003-15- STATE MTD REPLY LETTER.pdf](#)

Christina,

Apart from the certifications of service, it doesn't appear there were any other certifications filed. Attached are three other documents filed by the State Attorney General regarding the motion to dismiss. None have any certifications attached.

Frank

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

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From: Christina Harvey [mailto:@.]
Sent: Thursday, May 28, 2020 12:12 PM
To: Frank Marshall
Subject: Re: OPRA Request - 5/5/20

Frank,

In reviewing what you sent to me, where there certifications in support/opposition of the motion for summary judgment? If so, would I be able to request them as well?

Thank you.

CHRISTINA VASSILIOU HARVEY, ESQ.*

****Lomurro Law wants to ensure the safety of our clients, our office team, and our colleagues during this uncertain time. Lomurro Law will remain open, but with safety precautions in place. Effective immediately, we are closed to all visitors, but will conduct any meetings telephonically or by video conference. Effective Monday, March 23rd, we will be operating remotely. Our office's main telephone number, (732) 414-0300, will still ring through to our receptionist, and each of our attorneys will still be available to you. Thank you in advance for your understanding**

and patience during this time.**



Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, NJ, 07728

xxxxxxx@xxxxxxxxxxx.xxx

Main: 732-414-0300

Direct: 732-414-0314

Fax: 732-431-4043

W www.lomurrolaw.com

*Admitted to practice law in New Jersey and Pennsylvania

From: Frank Marshall <@.>

Sent: Thursday, May 28, 2020 11:52 AM

To: Christina Harvey <@.>

Subject: OPRA Request - 5/5/20

External Email

Ms. Harvey,

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11. Brief.Deptford.Complaint.NJLM.122415
12. DEPTFORD COLM-0003-15- State Opp to Deptford SJM

In regards to Request 2, the records you have requested may not be in the League's possession. The records you request pertain to a matter the League was involved in prior to the 2011 NJ Supreme Court Decision that interpreted the League to be subject to the Open Public Records Act, (see, Fair Share Housing Center, Inc., vs. NJ State League of Municipalities, 207 N.J. 489, (2011)). While it is possible that these records are available, my ability to search for documents responsive to your request is constrained by the realities of the current COVID-19 pandemic. Due to the pandemic I am working remotely and, while I have access to electronic files, my access to physical files is limited. I will be making arrangements to search the physical files in storage but at this moment cannot give a timeframe for when this can be achieved. Once I have the opportunity to search these files I will respond with a definitive response to your request.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Frank Marshall

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 x. 137



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

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Subject: Weinberg's OPRA bill takes a hit
Date: Tuesday, November 16, 2021 5:46:41 AM

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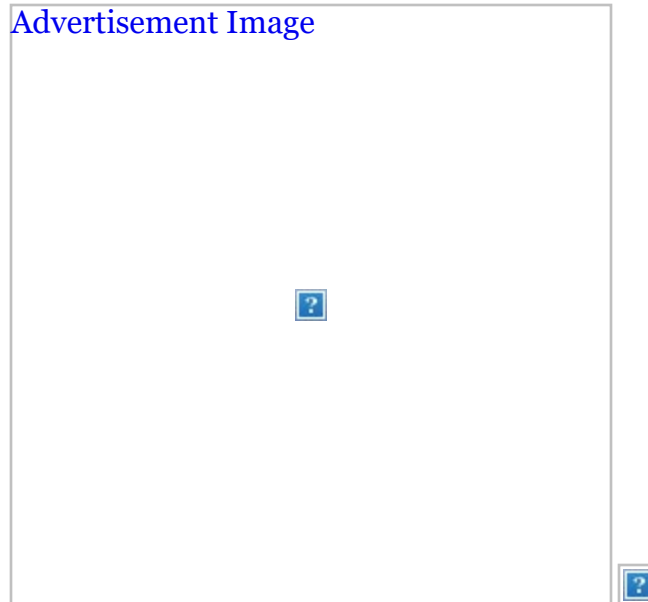
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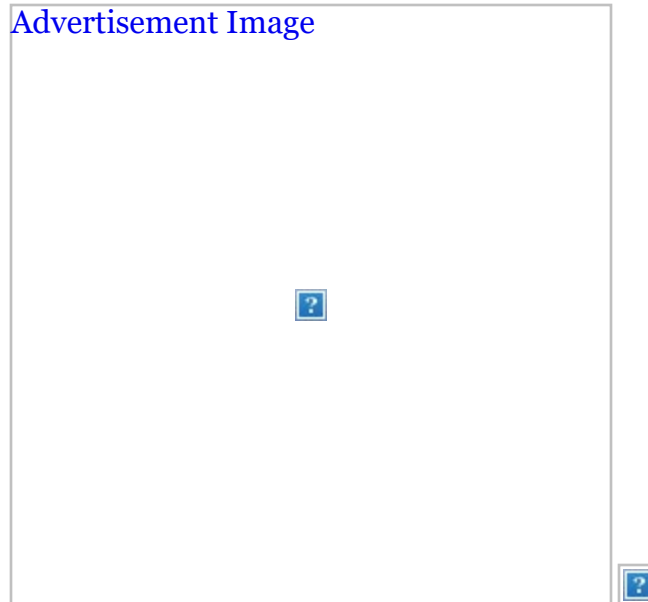
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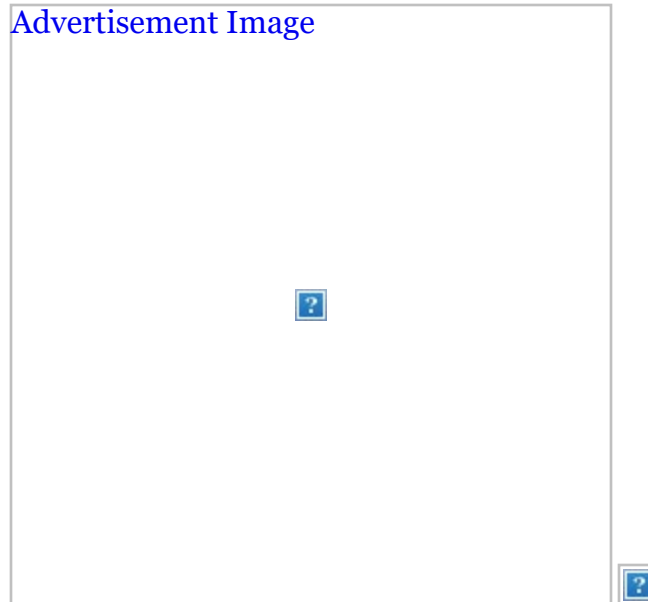
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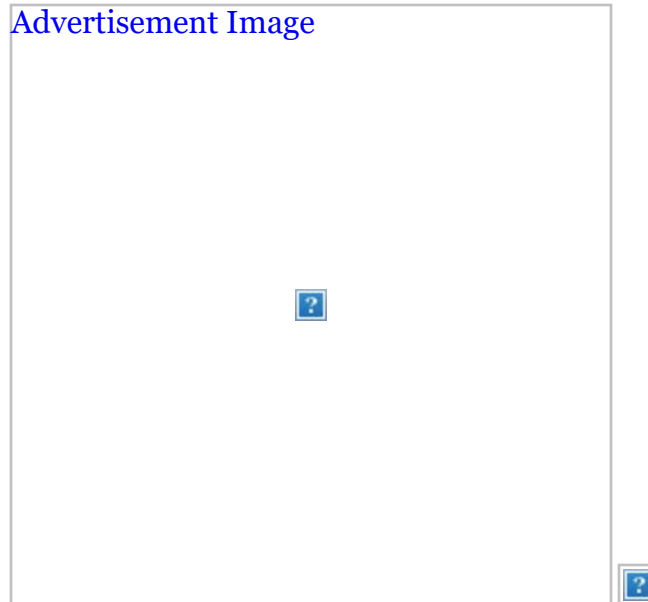
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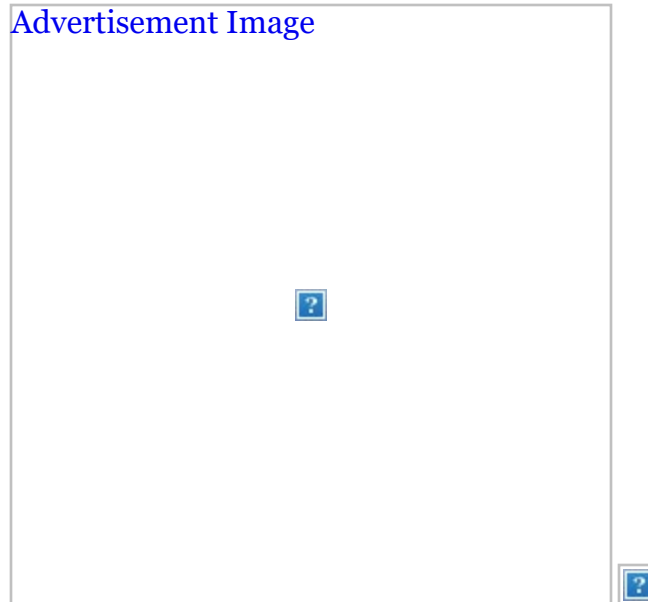
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