

BRADLEY D. BILLHIMER
Ocean County Prosecutor



ANTHONY U. CARRINGTON
Chief of Detectives

MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

January 18, 2024

Via OPRA Machine: opra+request-56884-e1288363@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 23003709
State v. Maximilian Lombardo

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Affidavit and Preliminary Law Enforcement Incident Report pursuant to your request made under the New Jersey Open Public Records Act (OPRA). Personal identifying information has been redacted pursuant to N.J.S.A. 47:1A-1.1, et seq.

As of this date, please be advised that there are no responsive documents pursuant to your request for Arrest Reports, Complaint Summonses, Recall of Warrants, Indictments and Plea Forms.

Please be further advised that police/incident reports are considered criminal investigatory records, and as such, are exempt from disclosure under OPRA, pursuant to N.J.S.A. 47:1A-1.1, et seq. Therefore, your request for same is denied.

If I can be of further assistance, please contact me at 732-929-2027, x3135. Should you disagree with our decision, please contact us in writing with your concerns so that we may consider them.

Yours very truly,
Dina R. Khajezadeh
Dina R. Khajezadeh
Assistant Prosecutor

DRK/ec

Enclosures

Carey, Erin

From: Khajezadeh, Dina
Sent: Sunday, January 7, 2024 11:44 PM
To: Carey, Erin
Subject: Fwd: [EXTERNAL] OPRA request - Records Request

Sent from my Verizon, Samsung Galaxy smartphone
 Get [Outlook for Android](#)

From: Resident <opra+request-56884-e1288363@requests.opramachine.com>
Sent: Sunday, January 7, 2024 10:29:56 PM
To: Khajezadeh, Dina <DKhajezadeh@co.ocean.nj.us>
Subject: [EXTERNAL] OPRA request - Records Request

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Ocean County Prosecutor's Office,

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.
 Records requested:

Any relevant arrest reports, incident reports, complaint summonses, complaint warrants, recall of warrants, affidavit of probable cause, indictments, plea forms, for the following Defendant:

MAXIMILIAN J LOMBARDO
 Booking number 15-228881

23003709

Yours faithfully,
 Resident

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:
 opra+request-56884-e1288363@requests.opramachine.com

Is DKhajezadeh@co.ocean.nj.us the wrong address for OPRA requests to Ocean County Prosecutor's Office? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=ocean_county_prosecutors_office

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:

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MAXIMILIA J LOMBARDO	
1530	W	2023	000442		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
STAFFORD TOWNSHIP MUNICIPAL CT 260 EAST BAY AVENUE MANAHAWKIN NJ 08050-0000 609-597-1000 COUNTY OF: OCEAN					
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 23-088362	DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 11/02/1996 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #: [REDACTED]		
COMPLAINANT NAME: AUSTIN RAUCH 260 EAST BAY AVENUE ATTN WARRANTS MANAHAWKIN NJ 08050					
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 11/11/2023 in STAFFORD TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, POSSESS A WEAPON, OTHER THAN A FIREARM, WITH A PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OR PROPERTY OF ANOTHER, SPECIFICALLY BY UTILIZING MACE PEPPER SPRAY ON TWO MALE VICTIMS, INTENDING TO PRODUCE PHYSICAL DISCOMFORT OR PERMANENT INJURY THROUGH BEING VAPORIZED OR OTHERWISE DISPENSED IN THE AIR. RESULTING IN STAFFORD EMS RESPONDING TO THE SCENE AND ATTENDING TO THOSE VICTIMS. IN VIOLATION OF N.J.S. 2C:39-4D (A THIRD DEGREE CRIME). WITHIN THE JURISDICTION OF THIS COURT, COMMIT SIMPLE ASSAULT BY PURPOSELY CAUSING BODILY INJURY TO (JOSEPH W. SCOTT AND KRISTOPHER C. SANBORN), SPECIFICALLY BY RESPONDING TO THEIR RESIDENCE AND UTILIZING MACE PEPPER SPRAY ON BOTH OF THOSE SUBJECTS. in violation of:					
Original Charge	1) 2C:39-4D		2) 2C:12-1A(1)		3)
Amended Charge					
CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. Signed: AUSTIN RAUCH Date: 11/11/2023					
You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of OCEAN at the following address: OCEAN SUPERIOR COURT 120 HOOPER AVE Date of Arrest: Appearance Date: Time: TOMS RIVER NJ 08753-0000 Phone: 732-504-0700					
PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT					
☐ Probable cause IS NOT found for the issuance of this complaint.					
Signature of Court Administrator or Deputy Court Administrator		Date	Signature of Judge		Date
☒ Probable cause IS found for the issuance of this complaint. CAROL JENKINS JUDICIAL OFFICER 11/11/2023 Signature and Title of Judicial Officer Issuing Warrant Date TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT. Bail Amount Set: by: (if different from judicial officer that issued warrant)					
☐ Domestic Violence – Confidential		☐ Related Traffic Tickets or Other Complaints		☐ Serious Personal Injury/ Death Involved	
Special conditions of release: ☐ No phone, mail or other personal contact w/victim ☐ No possession firearms/weapons ☐ Other (specify):				ORIGINAL	
				Page 1 of 10 NJ/CDR2 1/1/2017	

COMPLAINT - WARRANT

COMPLAINT NUMBER

1530

W

2023

000442

STATE V.

MAXIMILIA J LOMBARDO

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

IN VIOLATION OF N.J.S. 2C:12-1A(1)

Original Charge

Amended Charge

COMPLAINT - WARRANT

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COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1530**W****2023****000442**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**MAXIMILIA J LOMBARDO****FTA Bail Information**

Date Bail Set:

Amount Bail Set: \$ _____

by: _____

☐ Bail Recog. AttachedReleased
on Bail
(✓)

R.O.R.

Committed
DefaultCommitted
w/o Bail

Place Committed:

Date Referred to

County Prosecutor: _____

Date of First
Appearance:☐ Advised of Rights by _____

Defendant Desires Counsel:

☐ Yes ☐ No**Prosecuting Attorney Information****Defense Counsel Information****Name:****Name:**

State

County

Municipal

Other

None

Retained

Public Def

Assigned

Waived

Other

Original Charge

1) **2C:39-4D**2) **2C:12-1A(1)**

3)

Amended Charge

Waiver Indt/Jury

Plea/Date of Plea

Plea:

Date:

Plea:

Date:

Plea:

Date:

Adjudication (* see code)

Finding
Code:

Date:

Finding
Code:

Date:

Finding
Code:

Date:

Jail Term

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Probation Term

Susp. Imp

Susp. Imp

Susp. Imp

Cond. Discharge Term

Community Service

D/L Suspension Term

Fines/Costs

Fines:

Costs:

Fines:

Costs:

Fines:

Costs:

VCCB/SNSF

VCCB:

SNSF:

VCCB:

SNSF:

VCCB:

SNSF:

DEDR/Lab Fee

DEDR:

LAB:

DEDR:

LAB:

DEDR:

LAB:

CD Fee/Drug Ed Fnd

CD:

DAEF:

CD:

DAEF:

CD:

DAEF:

DV Surch/Other Fees

DV:

Other:

DV:

Other:

DV:

Other:

Restitution

Beneficiary: _____

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:**Related Traffic Tickets and Complaints:***** Finding Codes**

- 1 – Guilty
- 2 – Not Guilty
- 3 – Dismissed – Other
- 4 – Guilty but Merged
- 5 – Dismissed-Rule
- 6 – Dismissed Lack of Prosecution
- 7 – Dismissed – Pros Motion/Vic Req
- 8 – Conditional Discharge
- D – Dismissed- Prosecutor Discretion
- M – Dismissed- Mediation
- P – Dismissed-Plea Agreement
- S – Disposed at Superior
- W – Dismissed-False ID

COMPLAINT - WARRANT (Court Action)

JUDGE'S SIGNATURE _____

DATE _____

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COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER**1530** **W** **2023** **000442****STATE V.****MAXIMILIA J LOMBARDO**

COURT CODE PREFIX YEAR SEQUENCE NO.

FTA Bail Information		Date Bail Set: _____	Amount Bail Set: \$ _____ by: _____	☐ Bail Recog. Attached
Released on Bail (v)	R.O.R.	Committed Default	Committed w/o Bail	Date Referred to County Prosecutor: _____
Date of First Appearance: _____			☐ Advised of Rights by _____	Defendant Desires Counsel: ☐ Yes ☐ No

Prosecuting Attorney Information**Defense Counsel Information**

Name:				Name:					
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other

Original Charge									
Amended Charge									
Waiver Indt/Jury									
Plea/Date of Plea	Plea:	Date:		Plea:	Date:		Plea:	Date:	
Adjudication (* see code)	Finding Code:	Date:		Finding Code:	Date:		Finding Code:	Date:	
Jail Term		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp
Probation Term									
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs	Fines:	Costs:		Fines:	Costs:		Fines:	Costs:	
VCCB/SNSF	VCCB:	SNSF:		VCCB:	SNSF:		VCCB:	SNSF:	
DEDR/Lab Fee	DEDR:	LAB:		DEDR:	LAB:		DEDR:	LAB:	
CD Fee/Drug Ed Fnd	CD:	DAEF:		CD:	DAEF:		CD:	DAEF:	
DV Surch/Other Fees	DV:	Other:		DV:	Other:		DV:	Other:	
Restitution Beneficiary: _____									

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:*** Finding Codes**

- 1 – Guilty
- 2 – Not Guilty
- 3 – Dismissed – Other
- 4 – Guilty but Merged
- 5 – Dismissed-Rule
- 6 – Dismissed Lack of Prosecution
- 7 – Dismissed – Pros Motion/Vic Req
- 8 – Conditional Discharge
- D – Dismissed- Prosecutor Discretion
- M – Dismissed- Mediation
- P – Dismissed-Plea Agreement
- S – Disposed at Superior
- W – Dismissed-False ID

Related Traffic Tickets and Complaints:**COMPLAINT - WARRANT (Court Action)**

JUDGE'S SIGNATURE _____

DATE _____

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NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1530	W	2023	000442	VS.	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	MAXIMILIA J LOMBARDO	
STAFFORD TOWNSHIP MUNICIPAL CT 260 EAST BAY AVENUE MANAHAWKIN NJ 08050-0000 609-597-1000 COUNTY OF: OCEAN				ADDRESS: 37 FLIPPER AVE MANAHAWKIN NJ 08050-0000	
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 23-088362	DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 11/02/1996 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI # TELEPHONE #: [REDACTED] (c) LIVESCAN PCN #:		
COMPLAINANT NAME: AUSTIN RAUCH					
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 11/11/2023 in STAFFORD TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, POSSESS A WEAPON, OTHER THAN A FIREARM, WITH A PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OR PROPERTY OF ANOTHER, SPECIFICALLY BY UTILIZING MACE PEPPER SPRAY ON TWO MALE VICTIMS, INTENDING TO PRODUCE PHYSICAL DISCOMFORT OR PERMANENT INJURY THROUGH BEING VAPORIZED OR OTHERWISE DISPENSED IN THE AIR. RESULTING IN STAFFORD EMS RESPONDING TO THE SCENE AND ATTENDING TO THOSE VICTIMS. IN VIOLATION OF N.J.S. 2C:39-4D (A THIRD DEGREE CRIME). WITHIN THE JURISDICTION OF THIS COURT, COMMIT SIMPLE ASSAULT BY PURPOSELY CAUSING BODILY INJURY TO (JOSEPH W. SCOTT AND KRISTOPHER C. SANBORN), SPECIFICALLY BY RESPONDING TO THEIR RESIDENCE AND UTILIZING MACE PEPPER SPRAY ON BOTH OF THOSE SUBJECTS. in violation of:					
Original Charge		1) 2C:39-4D		2) 2C:12-1A(1)	
Amended Charge				3)	
CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment Signed: <u>AUSTIN RAUCH</u> Date: <u>11/11/2023</u>					
You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of OCEAN at the following address: OCEAN SUPERIOR COURT 120 HOOPER AVE TOMS RIVER NJ 08753-0000 Date of Arrest: Appearance Date: Time: Phone: 732-504-0700					
PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT					
☐ Probable cause IS NOT found for the issuance of this complaint.					
Signature of Court Administrator or Deputy Court Administrator		Date		Signature of Judge Date	
☒ Probable cause IS found for the issuance of this complaint. <u>CAROL JENKINS JUDICIAL OFFICER</u> <u>11/11/2023</u> Signature and Title of Judicial Officer Issuing Warrant Date TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT. Bail Amount Set: by: (if different from judicial officer that issued warrant)					
☐ Domestic Violence – Confidential		☐ Related Traffic Tickets or Other Complaints		☐ Serious Personal Injury/ Death Involved	
Special conditions of release: ☐ No phone, mail or other personal contact w/victim ☐ No possession firearms/weapons ☐ Other (specify):				COMPLAINT - WARRANT (DEFENDANT'S COPY)	
				Page 5 of 10 NJ/CDR2 1/1/2017	

COMPLAINT - WARRANT

COMPLAINT NUMBER

1530

W

2023

000442

STATE V.

MAXIMILIA J LOMBARDO

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

IN VIOLATION OF N.J.S. 2C:12-1A(1)

Original Charge

Amended Charge

COMPLAINT - WARRANT (DEFENDANT'S COPY)

COMMITMENT

COMPLAINT NUMBER

1530**W****2023****000442**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STAFFORD TOWNSHIP MUNICIPAL CT
260 EAST BAY AVENUE
MANAHAWKIN NJ 08050-0000
609-597-1000 COUNTY OF: OCEAN

of CHARGES
2

CO-DEFTS

POLICE CASE #
23-088362

COMPLAINANT AUSTIN RAUCH
NAME: 260 EAST BAY AVENUE
ATTN WARRANTS
MANAHAWKIN NJ 08050

*THE STATE OF NEW JERSEY**VS.***MAXIMILIA J LOMBARDO**

ADDRESS:

37 FLIPPER AVE**MANAHAWKIN****NJ 08050-0000**

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN

DOB: 11/02/1996

DRIVER'S LIC. #:

DL STATE: NJ

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

(C)

LIVESCAN PCN #:

To any Law Enforcement Official of New Jersey, You are commanded to transport this defendant to the Warden of this county who is required to keep the defendant in custody until a release or detention decision is made.

Offense

Aux Offense

Drug Code

Degree

Offense Description

1.					
2.					
3.					
4.					

Commitment Reason:

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court
at the following address: OCEAN SUPERIOR COURT
120 HOOPER AVE

in the county of **OCEAN**

TOMS RIVER

NJ 08753-0000

Date of Arrest:

Phone: 732-504-0700

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER			
1530	W	2023	000442
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
STAFFORD TOWNSHIP MUNICIPAL CT 260 EAST BAY AVENUE MANAHAWKIN NJ 08050-0000 609-597-1000 COUNTY OF: OCEAN			
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 23-088362	
COMPLAINANT NAME: AUSTIN RAUCH 260 EAST BAY AVENUE ATTN WARRANTS MANAHAWKIN NJ 08050		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 11/02/1996 DRIVER'S LIC. #: SOCIAL SECURITY #: SBI #: TELEPHONE #: (C) LIVESCAN PCN #:	

THE STATE OF NEW JERSEY

VS.

MAXIMILIA J LOMBARDO

ADDRESS:
37 FLIPPER AVE

MANAHAWKIN

NJ 08050-0000

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:
On Friday, November 10, 2023, at approximately 23:04 hours, patrol units responded to 29 Anchor Avenue, for a disturbance/verbal dispute. Through investigation and speaking to several witnesses, the defendant, Maximilia Lombardo, showed up to that residence without invitation with the intentions on fighting a male subject, Ayden Bryant. However, that subject no longer resides there and Maximilia did not believe the subjects who do currently reside their. Witnesses stated that Maximilia was intoxicated, yelling, and honking his vehicles horn. They went outside to see what was going on and a verbal altercation pursued. Maximilia proceeded to take out his Mace Pepper Spray and utilized it on the victims, Joseph Scott and Kristopher Sanborn. Maximilia got into his vehicle and drove off before our arrival.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1530

W

2023

000442

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

MAXIMILIA J LOMBARDO

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

I am aware of the facts above because of my observations of the victims that were sprayed and statements made by several eyewitnesses.

3. If victim was injured, provide the extent of the injury:

Victims were checked out by Stafford EMS and did not need any further medical treatment.

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: AUSTIN RAUCH LAW ENFORCEMENT OFFICER

Date: 11/11/2023

Affidavit of Probable Cause

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1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER			
1530	W	2023	000442
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
STAFFORD TOWNSHIP MUNICIPAL CT 260 EAST BAY AVENUE MANAHAWKIN NJ 08050-0000 609-597-1000 COUNTY OF: OCEAN			
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 23-088362	
COMPLAINANT NAME: AUSTIN RAUCH 260 EAST BAY AVENUE ATTN WARRANTS MANAHAWKIN NJ 08050		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 11/02/1996 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #: [REDACTED]	

THE STATE OF NEW JERSEY
VS.
MAXIMILIA J LOMBARDO

ADDRESS: **37 FLIPPER AVE**
MANAHAWKIN NJ 08050-0000

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

- The charge was based on the observations/statements made by an eyewitness(es).
 - The witness statement(s) were recorded via:
 - *Body-Worn Camera
- The defendant was known to the victim as:
 - Other/Explain ex-friends
- The victim was injured and:
 - Victim treated at the scene
 - Victim refused treatment
- A weapon was involved in the incident:
 - Other/Explain mace pepper spray
- The police received relevant information via radio from a 911 dispatcher (or similar).

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: **AUSTIN RAUCH LAW ENFORCEMENT OFFICER** Date: **11/11/2023**

Preliminary Law Enforcement Incident Report

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7/20/2018