

1 IN THE CIRCUIT COURT OF THE 15TH
2 JUDICIAL CIRCUIT IN AND FOR
3 PALM BEACH COUNTY, FLORIDA
CASE NO.: 50-2018-CA-002317-XXXX-MB
DIVISION AO

4 WALTER E. SAHM AND
5 PATRICIA SAHM,
Plaintiffs

6 V.

7 BERNSTEIN FAMILY REALTY, LLC,
8 BRIAN O'CONNELL, AS SUCCESSOR
9 PERSONAL REPRESENTATIVE OF
10 THE ESTATE OF SIMON L. BERNSTEIN;
11 ALEXANDRA BERNSTEIN, ERIC BERNSTEIN,
12 MICHAEL BERNSTEIN, MOLLY SIMON,
13 PAMELA B. SIMON, JILL IANTONI,
14 MAX FRIEDSTEIN, LISA FRIEDSTEIN,
15 INDIVIDUALLY AND TRUSTEES OF
THE SIMON L. BERNSTEIN REVOCABLE
TRUST AGREEMENT DATED MAY 20, 2008,
AS AMENDED AND RESTATED;
ELIOT BERNSTEIN, AND CANDICE
BERNSTEIN, INDIVIDUALLY AND AS
NATURAL GUARDIANS OF MINOR
CHILDREN JO., JA. AND D. BERNSTEIN;
AND ALL UNKNOWN TENANTS.
Defendants

16 HEARING

17 DATE: SEPTEMBER 10, 2025
18 REPORTER: NICOLE WARD

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21

22

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24

25

1 APPEARANCES

2
3 ON BEHALF OF THE PLAINTIFFS, WALTER E. SAHM AND

4 PATRICIA SAHM:

5 Cynthia J. Miller, Esquire

6 Sweetapple, Broeker & Miller, P.L.

7 4800 North Federal Highway

8 Suite D306

9 Boca Raton, Florida 33431

10 Telephone: (561) 392-1230

11 E-mail: pleadings@sweetapplelaw.com

12
13 ON BEHALF OF THE DEFENDANTS, BERNSTEIN FAMILY REALTY,

14 LLC, ELIOT I. BERNSTEIN, CANDICE BERNSTEIN, DANIEL

15 BERNSTEIN:

16 Eric Cvelbar, Esquire

17 1001 Northwest 54th Street

18 Apartment 712

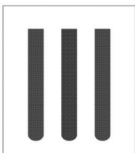
19 Miami, Florida 33127

20 Telephone: (305) 490-1830

21 E-mail: ecvelbar@hotmail.com

22
23 Also Present: John Parnofiello, Judge; Candice

24 Bernstein, Defendant



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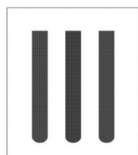
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STIPULATION

The hearing was taken at PALM BEACH COUNTY COURTHOUSE,
205 NORTH DIXIE HIGHWAY, WEST PALM BEACH, FLORIDA 33401
on WEDNESDAY the 10th day of SEPTEMBER 2025 at 9:00 a.m.
(ET); said hearing was taken pursuant to the FLORIDA
Rules of Civil Procedure.



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PROCEEDINGS

THE COURT: We're here on 2018CA2317. May I have the appearance of the parties, please?

MS. MILLER: Good morning.

MR. CVELBAR: Yeah. Sorry. Go ahead.

MS. MILLER: Good morning, Your Honor. Cynthia Miller on behalf of the plaintiffs, Your Honor.

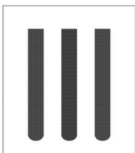
MR. CVELBAR: Good morning, Your Honor. Eric Cvelbar, on behalf of the defendants.

THE COURT: Mr. Cvelbar, good morning.

MR. CVELBAR: Good morning, Your Honor. Good seeing you.

THE COURT: We are here on the Court ordered a Case Management Conference to try to figure out how long we need to resolve all the remaining issues on the foreclosure matter. I had also granted Mr. Cvelbar -- if I butcher your name, I'm sorry. I granted you leave to file any amendments or modifications to anything in the file. I didn't see anything filed in that deadline, as long as it's passed. So I'm presuming that you're just proceeding on what has been filed previously?

MR. CVELBAR: I am, Your Honor. But the thing is, you know, I had recent eye surgery and I was having a lot of issues and that. You know, I wrote



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1 down here a number of things that I'd like to bring
2 before the Court that we can get a little more time
3 to do these things, if I could enter it into the
4 Court records.

5 THE COURT: Sure.

6 MR. CVELBAR: Your Honor, this is Eric Cvelbar.
7 I'm the attorney for the Bernstein Family and Eliot,
8 Candice, Joshua, Jacob and Danny Bernstein,
9 individually. I have some concerns about the
10 scheduling of this Case Management Conference as I
11 received an e-mail from Inger Garcia, and it was
12 also sent to Cynthia Miller, that she had a conflict
13 today. But Ms. Miller says that Ms. Garcia was not
14 needed, and at -- in all honesty, I thought it was
15 improper to go forward without Ms. Garcia.

16 Ms. Miller insisted that there would be no
17 rulings today, nor arguments and this is solely for
18 scheduling further actions. As Your Honor may
19 recall, in D-429, that was issued on August 21st,
20 2025, Your Honor already ordered in Paragraph 3, the
21 following -- it said, "If the parties cannot agree
22 on the production, the parties will set Ms. Garcia's
23 Motion to Compel for hearing within two weeks. All
24 deadlines will be continued, pending the results of
25 that hearing." All deadlines in relation to this



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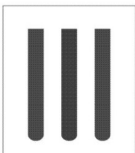
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1 issue are continued, pending. The parties have not
2 agreed, and we asked for a full production of
3 redacted records. And being Ms. Garcia's motion to
4 be set for hearing, we believe Ms. Garcia should be
5 heard on scheduling. And we remind this Court, we
6 attempted, through Ms. Miller, to reschedule today,
7 but you know, she refused.

8 There are several outstanding items we wish to
9 address and I have raised most of these with the
10 Fourth District Court of Appeal, where two appeals
11 are pending in relation to this court's March 6th
12 order. And I have suggested to the Appellate Court
13 that the appeals be stayed, or extended, pending the
14 outcome of today's Case Management Conference. I
15 have notified the Appellate Court and Ms. Miller
16 that -- and the parties that I had eye surgery and
17 several eye appointments during the time one of the
18 sets of motions were due, under this proposed Case
19 Management Order. And I also e-mailed the parties
20 that it was not logical for us to have motions due
21 before the meeting confer was completed and before
22 we had basic discovery.

23 I had asked both Ms. Garcia and Mr. Sweetapple
24 to certify that both attorneys have uploaded all
25 necessary records to the E-case view docket, so the



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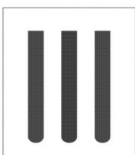
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1 record on appeal is complete and neither attorney
2 has responded to me. I haven't heard back. I
3 remind this Court that both attorneys accused each
4 other of fraud, before and during the trial, and the
5 issue of fraud is an issue on appeal. However, I
6 believe for judicial economy, these issues can be
7 resolved at the trial court with proper scheduling
8 and hearing of motions.

9 I remind this court of Paragraph 7 of Inger's
10 March 17th, 2025, Emergency Motion to Withdraw. It
11 says, "The undersigned will -- " "The undersigned
12 will provide the proof of fraud to the relevant
13 courts as she remains convinced that the plaintiffs
14 are the only ones who committed any wrongdoing in
15 this case, as well as all the other cases involved
16 related to this matter." This court proceeded to
17 issue a charging lien in Ms. Garcia's favor, without
18 a hearing, and without time for opposition by my
19 clients. Ms. Garcia has refused to come forward to
20 my office and share any strategy, or plan she had
21 during the last three years and during the trial
22 and, instead, seeks a large payment of fees before
23 getting any of that information. It's my assertion,
24 this is not a proper position and it's greatly
25 prejudiced my client. My client and I have already



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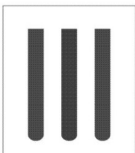
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1 submitted this position to the Appellate Court.

2 As Your Honor is probably aware, from some of
3 the status filings, Ms. Garcia has, also, sought to
4 come forward as a federal whistleblower, with
5 whistleblower protection against fraud in both
6 bankruptcy cases and state cases, including this
7 one. To my knowledge, this hasn't happened yet.
8 This is why our position is not -- is nothing should
9 move forward without Ms. Garcia being compelled by
10 this Court to declare the fraud she asserts, as she
11 asserted in Paragraph 3 of her motion and not before
12 a deposition, which we want to take Ms. Garcia and
13 Mr. Sweetapple occurred. Mr. Sweetapple's
14 deposition was scheduled, but never occurred and we
15 have no idea why. And we can't find out why it
16 would've never occurred. This is why we also
17 believe the Court should modify any prior Order and
18 allow full public access via Zoom and in person and
19 only issue an order relating to publish --
20 publishing personal recordings, as this is a civil
21 case with so many allegations of fraud. Only the
22 sunlight, you know, is -- will bring to justice,
23 which is required. Ms. Garcia's deposition and Mr.
24 Sweetapple's deposition should be scheduled before
25 any rulings on any of the pending motions.



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1 Paragraph 5 of the recent Case Management
2 Order, D-438, should be amended so that the
3 defendants are able to file all such motions after,
4 and I emphasize after, depositions of Ms. Garcia and
5 Mr. Sweetapple occur. At least 15 days should be
6 allowed for the defendants to file for any other
7 relevant discovery, which we find would be
8 necessary. At least ten days should be allowed for
9 Candice and Eliot Bernstein to respond to the
10 homestead issue. This was due to my eye surgery
11 delays and the longstanding case law that the
12 problems of the attorney shall not bear upon the
13 clients. You know, this was an innocent oversight.

14 THE COURT: Do you have paragraphs for me, that
15 are from that order?

16 MR. SWEETAPPLE: We specifically addressed it
17 at the last Case Management --

18 THE COURT: Conference.

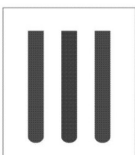
19 MR. SWEETAPPLE: -- conference.

20 MR. CVELBAR: Okay, Your Honor, I'm just about
21 through. I was just going to get into the record.
22 If I can just go a little bit more --

23 THE COURT: Sure.

24 MR. CVELBAR: -- I'd appreciate it.

25 THE COURT: If I can -- I guess I'm just



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1 curious. Why not file that with the Court, instead
2 of read it into the record?

3 MR. CVELBAR: I could do that, Your Honor. I
4 mean, if --

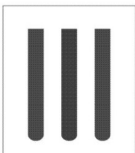
5 THE COURT: It's okay. I mean, you continue.
6 I'm just --

7 MR. CVELBAR: Okay. I'm almost through, Your
8 Honor. I understand. And Paragraph 3 of the
9 current Order, I also will file it, if the Court
10 wishes. The -- Paragraph 3 under says, "All
11 deadlines will be continued, pending the results of
12 that hearing." All deadlines in relation should
13 continue pending until this initial meet and
14 conference, and any rulings on the redaction of
15 production issues.

16 Items 1 through 4 should be scheduled in
17 coordination with Item 3 from the prior order and
18 any claim to video, or inspect the property in any
19 motion for reinstating the sale should be stayed and
20 not determined until all of the items above have
21 been resolved.

22 THE COURT: Ms. Miller?

23 MS. MILLER: Good morning, Your Honor. First
24 and foremost, I'd like to clarify my position
25 regarding Inger Garcia, which I don't think was



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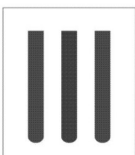
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1 accurately portrayed. What I said to Mr. Cvelbar
2 was, per the Court's prior CMC, there were two
3 issues. There's the attorney's fees issue and,
4 then, there's the foreclosure case. These are not
5 the same issue. So in your CMC order, there was
6 very clear that there were certain paragraphs that
7 had to do with the attorney's fees issue, where
8 Inger Garcia is concerned, because she was a party
9 in that order that you entered that triggered this.
10 However, she's no longer Counsel of Record. This
11 is, specifically, to this foreclosure case and these
12 issues. It says, on our Notice of Hearing, that we
13 will not be discussing the attorney's fees issue,
14 specifically to make sure that there was no question
15 about that. When Ms. Garcia did e-mail me this, I
16 responded and said the same thing.

17 We're here for two separate issues. We are not
18 talking about attorney's fees here. I had a meeting
19 for Mr. Cvelbar. I had a meeting for Ms. Garcia.
20 When I was talking to Mr. Cvelbar, we talked about
21 both the attorney's fees issues and this foreclosure
22 case. As he stated in his statement, earlier, he is
23 seeking to have depositions taken into all of these
24 things, that it's our position, at this point,
25 there's no reason that these need to go forward.

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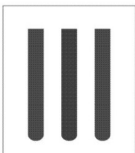
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1 The time for any depositions have long passed. The
2 reason that Mr. Sweetapple's deposition was not
3 taken was because we continued the hearing. And
4 Your Honor had said, if you want to get these
5 depositions taken, you have to get them scheduled.
6 You have to keep moving. We're not going to just
7 keep this case going, you know, forever.

8 Right now, you have a motion to allow us --
9 well, it's a Motion to Compel, for them to follow
10 the order that you previously entered for an
11 inspection of the property. We have the Motion to
12 Reinstate the sale and we have the homestead motion.
13 The last CMC, Your Honor gave Mr. Cvelbar, as you
14 said, time to amend, you know, file do anything he
15 wanted to prior to the date in the order, which I
16 believe was the 21st, which was a week after we had
17 to file our response. Our response was by the --
18 timely filed. Nothing was done.

19 That CMC was July 31st. Today is September
20 9th. There has been no motion for extension placed
21 on the record. While I understand that he's saying
22 that there's appellate issues and that we haven't
23 certified what's on the record -- what's on the
24 record is on the record. We don't -- I am uncertain
25 why he says we have to certify anything and the



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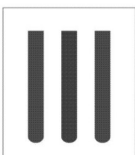
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1 Court should note, we are not appellate Counsel. So
2 it is not proper for us to discuss any appellate
3 issues with him. And as we have told him several
4 times, the appellate attorney on this case, that's
5 Katherine Lewis, who has been in contact with Mr.
6 Cvelbar.

7 So as far as appellate issues, we don't want to
8 touch those. We have nothing to do with it. We
9 have no position on it because that's not our case.
10 But for the case at hand, you know, Mr. Cvelbar said
11 that Eliot and Candice need to respond to our
12 response to the homestead motion. However, they're
13 not pro se. Mr. Cvelbar is the attorney in this
14 matter. So it would be improper for them to respond
15 to that except through their attorney. So it's my
16 position that at this point, there's no need to stay
17 this matter. There's no need to do extensive
18 discovery on a supposed fraud that -- there's been
19 nothing proven to get us to a point where we should
20 have to yet again, put this case on hold. It's been
21 on hold for a very long time. It's there's no
22 reason at this point in our position that's been
23 given that has any merit of why we should not be
24 going forward with this. We've complied as the
25 Court has directed. There's been no motion for an



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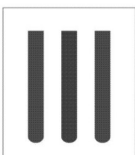
1 enlargement of time or an extension or anything like
2 that filed as to any filings that they would like to
3 do. So as for us, it's our position that we are
4 here, we are ready and -- you know, we would like to
5 schedule this matter to continue to move forward.

6 THE COURT: And how much time do you believe
7 that those matters need for argument or are the
8 matters can be addressed on the different --

9 MS. MILLER: Your Honor, I am happy for them to
10 be addressed on the papers. If you feel that after
11 that you need for us to come in, I don't think that
12 -- I think the -- let me take each one separately.
13 The order to compel them to follow your previous
14 order and allow an inspection on the home. I think
15 that can be done on the papers. I think you could
16 rule on that now or if you had to -- no longer than
17 a five-minute UMC.

18 We need to do the homestead motion prior to the
19 motion to reinstate the sale. Homestead motion, I'm
20 happy to rule on the papers if you want us to come
21 in. I don't think you should need more than -- being
22 generous -- 15 minutes. We stand on our position.

23 And then for the motion to reinstate the sale
24 pending your outcome on that homestead motion, it's
25 our position that if you don't find that they have



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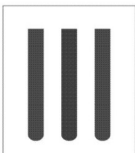
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1 these homestead rights, that it should be an
2 automatic entry of that motion to reinstate the sale
3 as the -- for the bankruptcy that was filed, which
4 caused the sale to be canceled was filed prior to
5 the time that it was allowed. It was still during a
6 period where there was a bankruptcy, the bankruptcy
7 court had said you cannot file any bankruptcy during
8 this time.

9 So the Court should also know that the sale
10 went forward. This is not something where it was
11 canceled prior to. The sale went forward. We were
12 the winning bidder. There's a bid sheet that's
13 online, on the docket. Everything has happened as
14 it needed to happen. And the pre-sale contingencies
15 were met. So now it's a matter of just simply,
16 rather than resetting the sale, being able to
17 reinstate the sale so that our client can be put
18 back into the position of the winning purchaser at
19 that time.

20 MR. CVELBAR: Just -- you know, to reiterate,
21 Your Honor -- you know, I don't think we're asking
22 for too much in this case. You know, as I said --
23 you know, Your Honor, it was 15 days to file any
24 other relevant motions that we may have for --

25 THE COURT: Why was there no motion for



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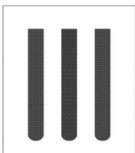
1 extension of time that had been filed since our case
2 management conference on July 23rd? Do you needed
3 more time? I understand you have -- I -- you had an
4 -- position you're reading to me from a document
5 that apparently someone created. So how come a
6 motion for extension of time to the deadline wasn't
7 filed? Just asking me once the deadline is 20 days
8 past for additional 15 days?

9 MR. CVELBAR: I understand, Your Honor, but --
10 you know, truthfully, it was yesterday when I had
11 the stitches removed and -- you know, this is the
12 first time I could see. I mean, I could see without
13 glasses for the first time in 55 years -- you know,
14 it feels like a new world to be honest with you, but
15 I still need them to read. So it was -- you know,
16 this was totally just happened yesterday, literally
17 yesterday.

18 THE COURT: Okay. So then why couldn't it be
19 done before that? Before the surgery?

20 MR. CVELBAR: I didn't know exactly how it was
21 going to go, Your Honor. I didn't know how much
22 time would be needed and, you know, I was
23 thinking --

24 THE COURT: But you're asking for -- you're
25 asking me for more time. So I guess you would've



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1 known that you would've needed more time. You may
2 not have known the exact number but --

3 MR. CVELBAR: No, Your Honor. I apologize,
4 Your Honor that I -- that wasn't done. I really
5 don't see how it could harm anyone. I mean -- you
6 know, we're here to -- you know, have justice
7 served. You know, I'm not asking for that much more
8 time. This is just -- you know, basic time -- you
9 know, to complete -- you know, all this time and
10 effort that has been expended in this matter --

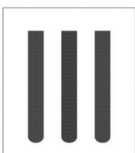
11 THE COURT: Right.

12 MR. CVELBAR: -- by all parties. I really
13 don't feel that it's asking for too much. I really
14 feel that it -- you know, justice would require it.

15 THE COURT: With -- I hear what you're saying.
16 And certainly medical conditions of Counsel are
17 paramount concerns to Court. I understand that, but
18 how did we get here? We got here from a 2018
19 foreclosure that there was a final judgment, I
20 believe was entered in 2020. Was it 2020 or 2022?

21 MS. MILLER: I believe it's 21.

22 THE COURT: 2021. It was an appeal. All
23 appeals were either denied or dismissed. Then there
24 was a Motion for Fraud on the Court, which you're
25 saying, we need to further discovery on, there's a



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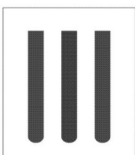
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1 Motion for Settlement Agreement. We had over a year
2 of litigation of that until the Court entered an
3 order in March, which is the matter that's on field
4 currently, finding that the settlement agreement was
5 fraudulent and finding that Ms. Garcia's allegation
6 of fraud had not been supported up until then. And
7 it had been waived.

8 I entered a scheduling order. Actually, no, I
9 entered the order of foreclosure. And then there
10 was a bankruptcy filing, which was not in time,
11 which should not have ever canceled the foreclosure
12 sale. But the clerk was not aware that the
13 litigants were prohibited from filing additional
14 bankruptcies. So the time for discovery has passed.
15 The time for briefing all these issues have passed.
16 I found, and so has the Federal Bankruptcy Court,
17 that the defendants in this case are acting in a
18 dilatory fashion. This just seems like a further
19 pattern of dilatory conduct to delay the issues in
20 this case. There needs to be some level of finality
21 in this. So I don't find that -- I think I was as
22 clear as I could be, which may not have been clear
23 enough but I think I was as clear as I could be,
24 with respect to our last case management conference
25 that I am bifurcating the issues with respect to Ms.



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1 Garcia attorney's fees and with respect to the
2 foreclosure that is now consistent.

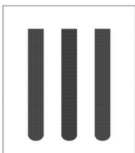
3 And I gave additional time to file, nothing was
4 filed. So I find that it's been late. I find that
5 any additional filing has been late. So really then
6 the question is, for the three matters, can they be
7 resolved upon the papers or does the law require me
8 to conduct an adventure?

9 MR. CVELBAR: I think they can, Your Honor.

10 THE COURT: Okay. And they're brief. I have
11 the filings. I will enter an order review course.
12 And we'll proceed.

13 With respect to the foreclosure part, which is
14 proceeding, I'm not commenting on anything that the
15 Fourth does, and I'm not clearly -- I'm not on the
16 Fourth District, so I have nothing to do with that,
17 but I have just three motions remaining.
18 Foreclosure action for me, I will enter an order
19 with respect to those motions and then we will
20 continue with the attorney's fees issue, which does
21 -- I agree with you. Anything with respect to that
22 does require Ms. Garcia's presence because in
23 addition to your class, she's also account -- to be
24 allowable for those. She doesn't need to be.

25 So I'm in a very long trial, right? Get that



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1 taken care of. And then I will enter an order as
2 soon as I need to, okay? Anything else that we need
3 to address or that we need to address today --

4 MR. CVELBAR: Not from me. Not from defense,
5 Your Honor.

6 MS. MILLER: No, Your Honor. Thank you.

7 THE COURT: All right. Thank you for your
8 time.

9 (Hearing concluded at 9:21 a.m. ET)

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, NICOLE WARD, Court Reporter and Notary Public
for the State of Florida at Large, do hereby certify
that I was authorized to and did report the foregoing
proceeding, and that said transcript is a true record of
the said proceeding.

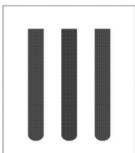
I FURTHER CERTIFY that I am not of counsel for,
related to, or employed by any of the parties or
attorneys involved herein, nor am I financially
interested in said action.

Submitted on: September 12, 2025.



NICOLE WARD

Court Reporter, Notary Public



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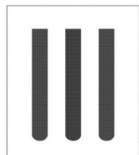
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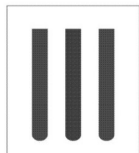
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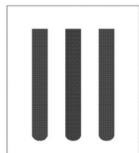
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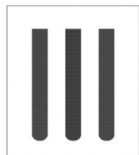
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