

Online Legal Research for North Carolina Judges

ROY S. TURNER, JR., ESQUIRE

Legal Applications Consultant, LexisNexis/Applied Discovery

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TIP 1

IDENTIFY SERVICE AND CONTENT:

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TIP 2

GET AN ID :

Internal contact

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Web

TIP 3

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- Realize the full potential of your subscription.
- Save time, resources and money.
- Receive specific practice area assistance.
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- Learn how to go beyond the expected resources. Your research possibilities only begin with cases, codes, and authoritative analysis

TIP 4

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WEBPAGE :**

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databases that you need and
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- saves time*
- eliminates frustration*
- builds confidence*

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▶ Area of Law

▶ All State Cases

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TIP 5

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and easily by:**

Citation

Party Name

Docket number

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N.C.A.C.

Option 3: Administrative/Legislative Materials

NC Register: N.C. Reg.

NC Attorney General Opinion: N.C. Op. Att'y Gen.

NC Legislation: N.C. HB

Option 4: NC Law Review N.C. L. Rev.

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If you know one party, use the first box.
minnick v. mississippi
Party Party

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- Federal and State Courts: All Federal & State Courts, Combined
- Combined Federal Courts: All Federal Courts
- US Supreme Court
- US Courts of Appeals: All US Courts of Appeals
- US District Courts: All District Courts
- US Special Courts: US Court of Federal Claims
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- US District Courts:
- US Special Courts:
- State Courts:
- Canadian Cases:

Optional: Restrict by Date

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TIP 6

USE A DIGEST SYSTEM :

A Digest System is :

- a breakdown of legal materials into areas of law and related topics***
- collection of headnotes arranged by subject***

Use Digest System to:

- quickly retrieve case law, law reviews and legal news that relate to a particular legal topic or headnote***

Legal Topics

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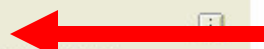
Option 1: Find a Legal Topic

Find

Type in your research issue as an individual term, phrase, list or sentence. Enclose phrases in quotation marks.

Option 2: Explore Legal Topics

- Administrative Law
Admiralty Law
Antitrust & Trade Law
Banking Law
Bankruptcy Law
Business & Corporate Entities
Civil Procedure
Governments
Healthcare Law
Immigration Law
Insurance Law
International Law
International Trade Law
Labor & Employment Law



Legal Topics

All Topics > Insurance Law ⓘ - (ⓘ search for documents in this area of law)

Look for a Legal Topic ⓘ

Option 1: Find a Legal Topic

Type in your research issue as an individual term, phrase, list or sentence. Enclose phrases in quotation marks.

Option 2: Explore Legal Topics

- | | | | | | |
|---|--|---|---|---|---|
| ⓘ | Bad Faith & Extracontractual Liability | ⓘ | ⓘ | Life Insurance | ⓘ |
| ⓘ | Business Insurance | ⓘ | ⓘ | Malpractice Insurance | ⓘ |
| ⓘ | Claims & Contracts | ⓘ | ⓘ | Motor Vehicle Insurance | ⓘ |
| ⓘ | Disability Insurance | ⓘ | ⓘ | Property Insurance | ⓘ |
| ⓘ | Excess Insurance | ⓘ | ⓘ | Regulation of Insurance | ⓘ |
| ⓘ | General Liability Insurance | ⓘ | ⓘ | Reinsurance | ⓘ |
| ⓘ | Group Policies | ⓘ | | | |

* Subject Id: 00002592

Key:

- ⓘ Click the link next to these icons to see that folder's contents.
- ⓘ Click the link next to these icons to search within that topic.
- ⓘ Click to see information about this topic.

* Subject ID to use with the LexisNexis [Research Linking](#) feature.

ll Topics > Insurance Law > Reinsurance > Cancellation & Nonrenewal ⓘ

Cancellation & Nonrenewal ⓘ

Cases Analytical Materials

Step 1 Select Jurisdiction

Step 2 Retrieve all headnotes and additional cases on this topic

Or... Search within cases on this topic

Terms and Connectors Natural Language

[Suggest Terms for My Search](#)

Restrict by Segment:
 No Source Selected

Restrict by Date:
 No Date Restrictions From To [Date Formats...](#)

Search Connectors ⓘ

Use connectors to show relationships between search terms. (Hover over a connector for description. Click a connector to add to search.)

Syntax	Definition
and	and
or	or
w/N	within N words
not w/N	not within N words
pre /N	precedes by N words
w/p	in same paragraph
not w/p	not in same paragraph
w/seg	in same segment
not w/seg	not in same segment
w/s	in same sentence
not w/s	not in same sentence
and not	and not

[View Search Commands...](#)

Natural Language:

TIP 7

a search description in plain English, just the way you might describe it to someone else

USE
NATURAL
LANGUAGE :

No need to identify core or key terms

No need to use either connectors or search logic

1. Statute of limitations /s sponge /s surgery /s medical malpractice /s stomach

2. What is the statute of limitations period for a medical malpractice action where the surgeon left a sponge inside the patient's stomach?

3. "Statute of limitation", "medical malpractice", sponge, stomach

Legal > Cases - U.S. > Federal & State Cases, Combined

Enter Search Terms

Terms and Connectors | Natural Language

Search input field with a Search button

Type in your research issue as an individual term, phrase, list or sentence. Enclose phrases in quotation marks. Wildcard characters such as ! or * are not valid in natural language searches.

- Suggest Words and Concepts for Entered Terms
Restrict Search Using Mandatory Terms

Optional: Restrict by Date

No Date Restrictions | From | To

TIP 8

All online documents are organized into distinct sections.

SEARCH BY
SEGMENTS :

Lexis – Segments

Westlaw – Fields

Use Segment searching to restrict your search to a specific segment of a document

Legal > Cases - U.S. > Federal & State Cases, Combined

Enter Search Terms

Terms and Connectors Natural Language

Search input field with Search button

Use connectors to show relation of terms (cat or feline, jane w/3 doe) more...

Suggest Words and Concepts for Entered Terms

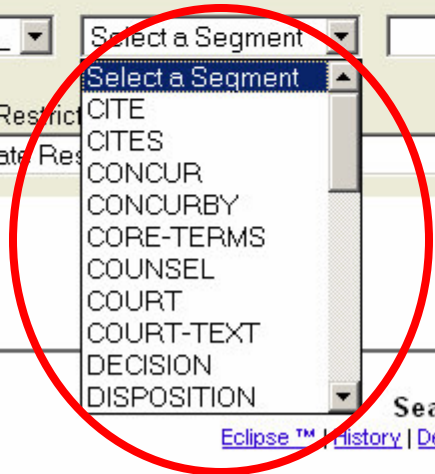
Document Segments

Append a segment restriction to your search terms by selecting a Connector and Document Segment from the pulldowns below. Enter terms to search for in that segment and click Add. Repeat this process to add multiple segment restrictions. If you are not appending the segment restriction to existing terms, omit the Connector.

Segment selection pulldown, connector pulldown, and Add button

Optional: Restrict

No Date Restriction input field



- Select a Segment
- CITE
- CITES
- CONCUR
- CONCURBY
- CORE-TERMS
- COUNSEL
- COURT
- COURT-TEXT
- DECISION
- DISPOSITION

Common Segments:

History (durham county and farmer)

name (griggs AND duke)

writtenby (o'connor)

writtenby(o'connor) AND age W/5 discriminat!

writtenby(posner) AND disposition(reversed)

TIP 9

**AUTOMATE YOUR
SEARCHES :**

ALERT-

Electronic clipping service that allows you to follow the changes and developments of a research topic

-can be set up in any database

-reruns only updated information

CUS™ Terms history (durham) and homicide

Search Within All Documents

Go → FOCUS Options...

ew: Cite | KWIC | Full | Custom

1 of 120 NEXT

FAST Print Print Download Fax Email Text

Save As Alert | More Like This | More Like Selected Text | Shepardize® | TOA

State v. Laws, 345 N.C. 585 (Copy w/ Cite)

Pages:

Source: Legal > /.../ > NC State Cases, Combined

Terms: history (durham) and homicide (Edit Search | Suggest Terms for My Search)

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345 N.C. 585, *; 481 S.E.2d 641, **;
1997 N.C. LEXIS 26, ***

STATE OF NORTH CAROLINA v. BRIAN ELGIN LAWS

No. 35A96

SUPREME COURT OF NORTH CAROLINA

345 N.C. 585; 481 S.E.2d 641; 1997 N.C. LEXIS 26

September 9, 1996, Heard in the Supreme Court
March 7, 1997, Filed

RIOR HISTORY: [***1] Appeal as of right by defendant pursuant to [N.C.G.S. § 7A-27](#) imprisonment entered by Farmer, J., at the 21 August 1995 Criminal Session of Superior Court defendant guilty of first-degree murder.

345 N.C. 585 ;
481 S.E.2d 641 ;
1997 N.C. LEXIS 26

imposing a sentence of life upon a jury verdict finding

CASE SUMMARY

PROCEDURAL POSTURE: Defendant was convicted of first degree murder and sentenced to life by the Criminal Session of Superior Court, Durham County (North Carolina). Defendant appealed.

OVERVIEW: On appeal, the court held that defendant's motion to dismiss was properly denied because malice could be inferred from defendant's use of at least two knives and a pair of scissors to stab the victim and because premeditation and deliberation were demonstrated by (1) lethal blows dealt to the victim when he was helpless, (2) the brutal manner of the killing, and (3) defendant's failure to seek help or medical assistance for the victim. Evidence of the victim's sexual orientation was properly excluded because it did not indicate

Save Alert

Name:

Source: NC State Cases, Combined - NC;NCCTS

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Frequency: time at ET*

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TIP 10

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while drafting
your document :

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can:*

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This document has been edited for illustration purposes.

SUMMARY OF ARGUMENT

The Florida Supreme Court came within one vote of allowing the statutory scheme enacted by the Florida Legislature before election day to decide the outcome of the presidential election. Had it done so, no major constitutional confrontations or inter branch disputes would have resulted. Instead, a bare majority issued a decision that created new law never envisioned by the Florida Legislature. That decision necessitated a sprint to this Court and substantially increased the likelihood of legislative intervention at the state and federal levels. The decision below squarely conflicts with this Court previous ruling, Art. II, § 1, cl. 2, and 3 U.S.C. § 5. This Court should reverse this decision so that Florida may return to the course mapped out by the Florida Legislature.

As this Court recognized in *Bush*, the Constitution expressly delegates plenary authority to state legislatures to determine the manner for the appointment of electors. *See* Art. II, § 1, cl. 2. The text, history, and judicial interpretation of Art. II, § 1, cl. 2 all demonstrate the plenary authority of state legislatures over the appointment of electors. State-court decisions that ignore or override statutory provisions governing the appointment of electors raise issues of constitutional magnitude.

The decision below features precisely the kind of judicial overreaching Article II forbids. *See* Argument IV, *infra* at 20-30. Having rewritten the statutory deadlines in its first decision, and having failed as yet to comply with this Court's remand order in *Bush*, the court below promulgated a judge-made amendment to its judge-made deadline. It then usurped the remedial authority that the statute gives solely to the trial court and devised a remedy inconsistent with the statutory recount provisions and totally at odds with the statutory respect for the decisions of local canvassing boards.

To makes matters worse, the court below applied this new legislative scheme of its own design retroactively in contravention of 3 U.S.C. § 5. Article II grants state legislatures the preeminent role in the appointment of electors, and 3 U.S.C. § 5 imposes a limitation on retroactive lawmaking. The Florida Supreme Court's judicial lawmaking violated both these provisions simultaneously.

under the constitution or laws of Florida in other contexts, Article II makes the Florida Legislature supreme over the Florida courts in the matter at hand. By rewriting the Legislature's enactments below in the service of its own view of the proper method for appointing electors, the Florida Supreme Court reversed the allocation of authority expressly provided by Art. II, § 1, cl. 2. As explained supra, such statecourt judicial legislation concerning the appointment of electors does not merely raise issues of state law--that practice violates the federal Constitution.

In striking contrast to the Florida Supreme Court's arrogation of authority to decide the manner in which Florida's electors should be appointed, other States' supreme courts have confirmed the primacy of the state legislature in such disputes. *See, e.g., State ex rel. Beeson v. Marsh*, 34 N.W.2d 279, 286 (Neb. 1948) (rejecting claim that legislature's chosen method of selecting electors violated state constitution and holding that legislature's power under Article II was, in any event, plenary); *In re Opinions of Justices*, 1864 WL 1585, at *5 (N.H. July 19, 1864) ("the whole discretion as to the manner of the appointment is lodged, in the broadest and most unqualified terms, in the legislature"); *In re Opinion of the Justices*, 113 A. _____ (reaffirming the court's 1864 opinion and holding that "as the manner of making the appointment is left to the Legislature of each state, there can be no constitutional objection to the scheme now proposed").⁶

The limited federal case law confirms the plenary authority of the state legislature. The decision in *Case of Electoral College*, 8 F. Cas. 427 (C.C.D.S.C. 1876) (partially unpaginated), an extraordinary habeas corpus case arising out of the disputed presidential election of 1876, demonstrates that a state court's interference in a dispute concerning the appointment of electors clearly abridges the state legislature's preeminent authority under Art. II, § 1, cl. 2. South Carolina law vested state election officials with the authority not only to collect and tabulate votes, but also to decide "all cases under protest and contest that may arise," and to certify their determination of the election to the secretary of state by a certain date. *See 8 F. Cas. at 431*. The resolution of such protests and issues as arose evidently displeased some elements within the South Carolina government, because the state supreme court ordered the officials simply to aggregate the local returns and to report the total, without looking beyond the face of the returns or considering any protests or contests. After the officials had certified their determination of the election in accordance with their independent performance of their statutory duties, the state supreme court ordered them to certify a

⁴ This reasoning, however, does not render the specific delegation to the state legislatures a nullity. As the Court explained, "the insertion of those words [specifying that such power resides in each legislature], operat[es] as a limitation upon the state in respect of any attempt to circumscribe the legislative power." *146 U.S. at 25*.

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The limited feder of Electoral College, corpus case arising o interference in a disp

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the manner in which primacy of the state 6 (Neb. 1948) stitution and holding justices, 1864 WL ment is lodged, in the 113 A. _____ pointment is left to the posed").⁶

The decision in Case ordinary habeas a state court's te legislature's

More Like Selected Text

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South Carolina law vested state election officials with the authority not only to collect and tabulate votes, but also to decide "all cases under protest and contest that may arise," and to certify their determination of the election to the secretary of state by a certain date. See 8 F. Cas. at 431.

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Source: Legal > Cases - U.S. > Federal & State Cases, Combined
Terms: south carolina law vested state election officials with the authority not only to collect and tabulate votes, but also to decide "all cases under prot... (Edit Search)

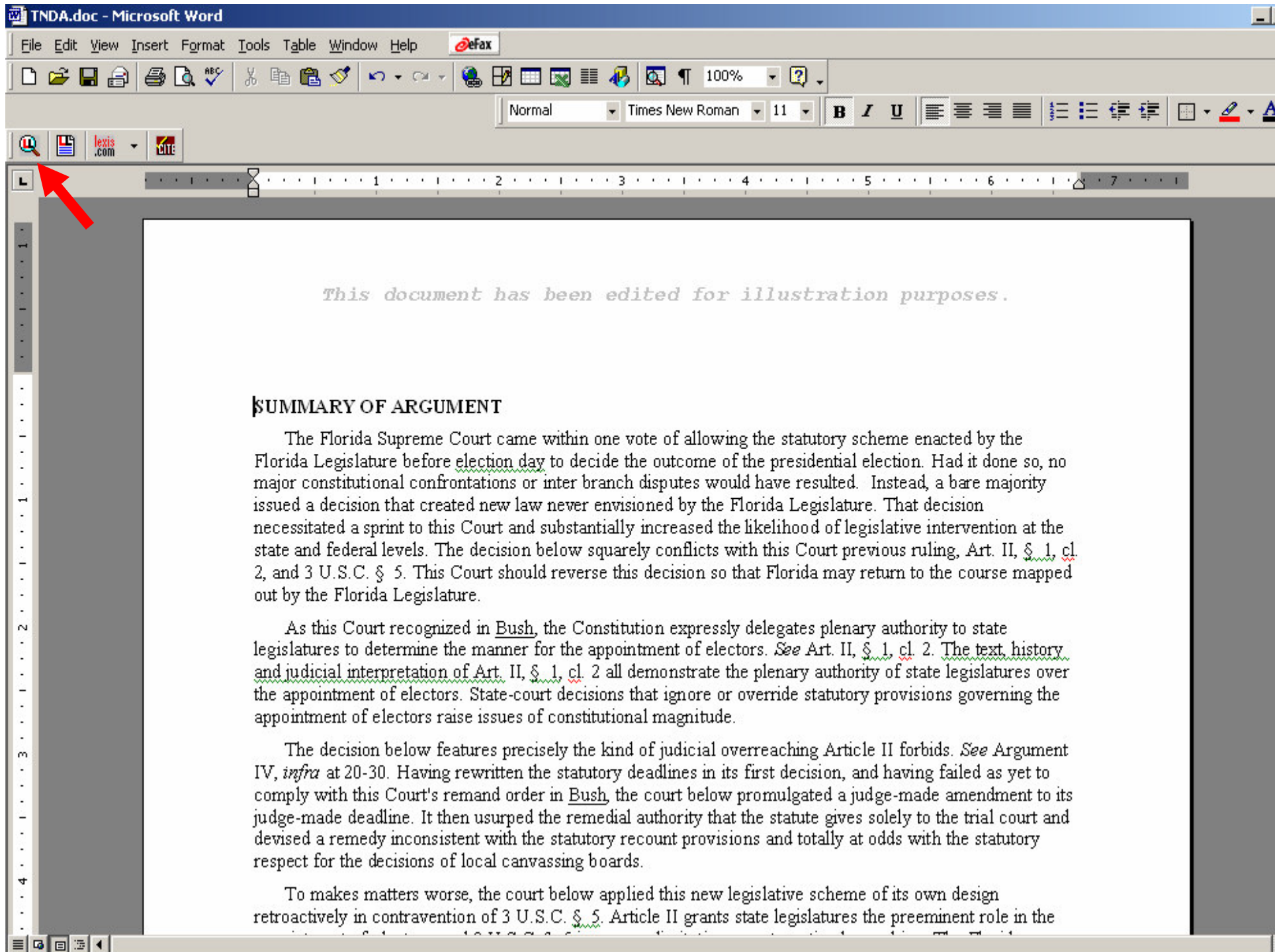
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- 1. Weber v. Shelley, No. 02-56726, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 347 F.3d 1101; 2003 U.S. App. LEXIS 21979; 62 Fed. R. Evid. Serv. (Callaghan) 1194; 2003 Cal. Daily Op. Service 9373, October 8, 2003, Argued and Submitted, Pasadena, California, October 28, 2003, Filed

OVERVIEW: Newly-installed touchscreen voting system was not unconstitutional as it did not constitute differential treatment between voters, was a reasonable choice, protected against fraud, and advanced a number of important state interests.

CORE TERMS: voting, ballot, touchscreen, election, voter, right to vote, regulation, balloting, accuracy, manipulation ...

... official capacity as California Secretary of State; MISHELLE TOWNSEND, in her ...
... Bill Jones, as California Secretary of State. Fed. R. App. ...
... defendant-appellee California Secretary of State. Robert M. Pepper, ...
... reliability, and feasibility by the Secretary of State of California.Susan Marie ...
... ability to audit and verify election results, and that the impact on her right to ...
... Bill Jones, the California Secretary of State (for whom we have substituted the current ...
... IThe Secretary of State of California is the chief election officer of the state. Cal. Elec. Code § 19100 et seq. ...
... for the general supervision of elections and administration of the election laws. His duties include ...
... approved according to Federal Elections Commission (FEC) and National Association of State Election Directors (NASED) standards. The ...
... Vote Tabulation Systems, Election Observer Panel Plans, and ...
... ss.ca.gov/elections/vsp_procedures.pdf. The ...
... auditable for the purpose of an election recount or contest procedure; to comply with appropriate ...
... adopt for use at elections any kind of voting system, any ...
... involved has been approved by the Secretary of State or specifically authorized by ...
... eligibility has been verified by an election official is given a ...
... voter returns to the precinct election officer. The card cannot be used again without the election officer activating it. After the ...
... votes to a central elections headquarters through the county's ...



FEDERAL RIGHTS TO HAVE FLORIDA'S ELECTORS APPOINTED PURSUANT TO THE RULES ESTABLISHED BY THE FLORIDA LEGISLATURE

This Court has jurisdiction over this case because the Florida Supreme Court rejected a "right, privilege, or immunity . . . claimed under the Constitution . . . or statutes of . . . the United States." [28 U.S.C. § 1257](#), [Shepardize](#) Petitioner argued below that the Florida Supreme Court could not reject the rules imposed by the Florida Legislature and substitute its own deadlines without violating, *inter alia*, Art. II, § 1, cl. 2, [3 U.S.C. § 5](#) [Shepardize](#) and this Court's mandate in [Bush](#). The Florida Supreme Court implicitly rejected those arguments and infringed Petitioner's federal rights.

The Florida Supreme Court likewise denied [Amici's](#) rights under Art. II, § 1, cl. 2, and [3 U.S.C. § 5](#) [Shepardize](#) to have the electors from their State appointed "in such Manner as the Legislature thereof may direct." Art. II, § 1, cl. 2. As explained *infra*, Art. II, § 1, cl. 2, grants both Petitioner and [Amici](#) a federal constitutional right to have Florida electors in the electoral college appointed in accordance with the laws enacted by the Florida Legislature. By misinterpreting the relevant Florida statutes, ignoring deadlines clearly imposed by the Florida Legislature, and creating new deadlines out of whole cloth, the decision below deprives Petitioner and [Amici](#) of federal rights. [28 U.S.C. § 1257](#) [Shepardize](#) vests this Court with jurisdiction to correct that denial of federally-protected rights.

Respondents' insistence that the Constitution leaves election matters to the States cannot defeat this Court's jurisdiction. This Court has emphasized that all federal elections, especially presidential elections, implicate important federal interests.¹ The more fundamental problem with

¹ See, e.g., [Burroughs v. United States](#), [290 U.S. 534, 547](#) [Shepardize](#) (1934) (acknowledging "clear" federal interest in "protecting the election of [the] President and Vice President from corruption"); [Ex parte Yarbrough](#), [110 U.S. 651, 666, 662](#) [Shepardize](#) (1884) (noting federal government's "essential" interest in ensuring "that the votes by which its members of congress and its president are elected shall be the free votes of the electors, and the

LEXLink™ Citation List

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43 Cases and/or Law Reviews:

- 1. [McPherson v. Blacker, 146 U.S. 1, 23-24](#) [Shepardize](#)
- 2. [Ray v. Blair, 343 U.S. 214, 224](#) [Shepardize](#)
- 3. [Burroughs, 290 U.S. at 545](#) [Shepardize](#)
- 4. [Yarbrough, 10 U.S. at 662](#) [Shepardize](#)
- 5. [Ray, 343 U.S. at 216](#) [Shepardize](#)
- 6. [Diamond Nat'l Corp. v. State Bd. of Equalization, 425 U.S. 268](#) [Shepardize](#)
- 7. [Diamond Nat'l Corp. v. State Bd. of Equalization, Id. at 269](#) [Shepardize](#)
- 8. [Williams v. Rhodes, 393 U.S. 23, 28](#) [Shepardize](#)
- 9. [McPherson, 146 U.S. at 23-24](#) [Shepardize](#)
- 10. [393 U.S. at 29](#) [Shepardize](#)
- 11. United States., id.
- 12. [U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 804-05](#) [Shepardize](#)
- 13. [Hawke v. Smith, 253 U.S. 221](#) [Shepardize](#)

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FEDERAL RIGHTS TO HAVE FLORIDA'S ELECTORS APPOINTED PURSUANT TO THE RULES ESTABLISHED BY THE FLORIDA LEGISLATURE

This Court has jurisdiction over this case because the Florida Supreme Court rejected a "right, privilege, or immunity . . . claimed under the Constitution . . . or statutes of . . . the United States." [28 U.S.C. § 1257](#) [Shepardize](#) Petitioner argued below that the Florida Supreme Court could not reject the rules imposed by the Florida Legislature and substitute its own deadlines without violating, inter alia, Art. II, § 1, cl. 2, [3 U.S.C. § 5](#) [Shepardize](#) and this Court's mandate in [Bush](#). The Florida Supreme Court implicitly rejected those arguments and infringed Petitioner's federal rights.

The Florida Supreme Court likewise denied [Amici's](#) rights under Art. II, § 1, cl. 2, and [3 U.S.C. § 5](#) [Shepardize](#) to have the electors from their State appointed "in such Manner as the Legislature thereof may direct." Art. II, § 1, cl. 2. As explained *infra*, Art. II, § 1, cl. 2, grants both Petitioner and [Amici](#) a federal constitutional right to have Florida electors in the electoral college appointed in accordance with the laws enacted by the Florida Legislature. By misinterpreting the relevant Florida statutes, ignoring deadlines clearly imposed by the Florida Legislature, and creating new deadlines out of whole cloth, the decision below deprives Petitioner and [Amici](#) of federal rights. [28 U.S.C. § 1257](#) [Shepardize](#) vests this Court with jurisdiction to correct that denial of federally-protected rights.

Respondents' insistence that the Constitution leaves election matters to the States cannot defeat this Court's jurisdiction. This Court has emphasized that all federal elections, especially presidential elections, implicate important federal interests.¹ The more fundamental problem with

¹ See, e.g., [Burroughs v. United States](#), [290 U.S. 534, 547](#) [Shepardize](#) (1934) (acknowledging "clear" federal interest in "protecting the election of [the] President and Vice President from corruption"); [Ex parte Yarbrough](#), [110 U.S. 651, 666, 662](#) [Shepardize](#) (1884) (noting federal government's "essential" interest in ensuring "that the votes by which its members of congress and its president are elected shall be the free votes of the electors, and the



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THANK YOU

Roy S. Turner, Jr., Esq.

Legal Applications Consultant - State and Local Government

LexisNexis

roy.turner@lexisnexis.com

Office: 404.215.5467 or 800.368.6955 x5467

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