

The State of South Carolina
In The Court of Appeals

Appeal from Spartanburg County
Hon. J. Derham Cole, Circuit Court Judge

RECEIVED

DEC 30 2013

SC Court of Appeals

Appeal 2012-213521
Case No. 10-CP-42-2349

Jane Doe, as guardian for John Doe, Appellant

v.

Boy Scout Troop 292, Spartanburg SC; Palmetto Council of the Boy Scouts of America; St.
Margaret's Episcopal Church; Shelby Culbreth; Jackie LaFontaine; Brandon Smith; Rob Green;
Roy Cole; Bob Faulks; and Scott O'Neill, Respondents

Record On Appeal

Volume Two

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

JANE DOE, as guardian for JOHN DOE,
Plaintiff,

Civil Action No. 10-CP-42-2349

vs.

**DEFENDANTS' ANSWERS TO
PLAINTIFF'S INTERROGATORIES**

Boy Scout Troop 292, Spartanburg, SC,
Palmetto Council of the Boy Scouts of
America, St. Margaret's Episcopal
Church, Shelby Culbreth, Jackie
LaFontaine, Brandon Smith, Rob Green,
Roy Cole, Bob Faulks, and Scott
O'Neill,
Defendants.

Pursuant to Rules 26 and 33 of the South Carolina Rules of Civil Procedure, Defendants Boy Scout Troop 292, Spartanburg, SC, Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill ("Defendants"), by and through their undersigned counsel, hereby submit the following answers to Plaintiff's Interrogatories, subject to the objections set forth herein.

GENERAL OBJECTIONS

Defendants assert the following General Objections to Plaintiff's Interrogatories. Each objection shall be deemed asserted with respect to each interrogatory propounded. On occasion, Defendants have asserted specific objections to certain interrogatories. That other specific objections were not also stated shall not be construed as a waiver of any applicable objections, either as to that interrogatory or as to others.

Defendants also reserve the right to supplement, revise, correct, or clarify these responses as their investigation continues.

Defendants assert the following General Objections:

1. Defendants object to the extent that any interrogatory seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege. Should Defendants inadvertently disclose any privileged material, the Plaintiff must hold that information in the strictest confidence and shall return or destroy such information upon demand.

2. Defendants object to the extent that the Plaintiff has provided any instruction regarding the definition, interpretation, or characterization of the language set forth in Plaintiff's Interrogatories. Defendants have interpreted such language in a manner consistent with the plain and ordinary meaning of such language.

3. Defendants object to the extent that any interrogatory seeks the disclosure of confidential business information, trade secrets, or competitive information.

4. Defendants object to the extent that any interrogatory may be ambiguous, confusing, vague, overly broad, or misleading, or that it calls for Defendants to engage in speculation. Should this objection be stated, Defendants will respond in a manner consistent with a reasonable interpretation of the interrogatory.

5. Defendants object to the extent that any interrogatory seeks the disclosure of information without also providing an operative date or time period.

6. Defendants object to the extent that any interrogatory seeks information that is not within their knowledge, or to the extent that any request seeks documents or other tangible things that are not within Defendants' possession, custody, or control.

7. Defendants affirm that it has respectively conducted a thorough investigation into the circumstances surrounding the litigation and that each interrogatory has been answered as fully, fairly, and accurately as is reasonably practicable based upon the Defendants' personal knowledge of the facts and circumstances. However, these responses are subject to change as their investigation continues. Consistent with the South Carolina Rules of Civil Procedure, Defendants will supplement these responses as necessary.

ANSWERS TO INTERROGATORIES

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witness and indicate who has possession of such statements.

ANSWER:

a) **John Doe:**
Address Unknown

John Doe is the Plaintiff in this action and is expected to testify in support of his claims.

b) **Lucy B. Taylor:**
Address Unknown

Upon information and belief, Ms. Taylor is Plaintiff John Doe's putative legal guardian. Ms. Taylor is expected to testify regarding her knowledge of and response to Plaintiff's allegation that he was molested by James Brian Rhinehart, prior incidents of molestation involving Plaintiff and any medical or psychiatric treatment before and since the events in question. Ms. Taylor is also expected to testify regarding events surrounding Plaintiff's exclusion from participation in Troop 292. Ms. Taylor may also testify regarding other relevant incidents of Plaintiff's conduct and reporting of complaints of abuse against family members and third parties.

c) **Oliver C. Hageman:**
Address Unknown

Mr. Hageman is Plaintiff John Doe's father and expected to testify about his receipt of the letter excluding Plaintiff from participation in Troop 292 and the events which led to same. Mr. Hageman is also expected to testify regarding his knowledge of and response to Plaintiff's allegation that he was molested by James Brian Rhinehart, prior incidents of molestation involving Plaintiff and any medical or psychiatric treatment before and since the events in question. Mr. Hageman is also expected to testify regarding his abandoned pursuit of a monetary settlement on behalf of Plaintiff in 2005. Mr. Hageman may also testify regarding other relevant incidents of Plaintiff's conduct and reporting of complaints of abuse against family members and third parties.

d) **James Brian Rhinehart:**
SCDC
Tyger River Correctional Institution
100-200 Prison Road
Enoree, SC 29355

Mr. Rhinehart is expected to testify regarding Plaintiff's allegations of molestation. Mr. Rhinehart may also testify regarding the basis for the decision to exclude Plaintiff John Doe from participation in Troop 292.

e) **Dhiren Patel Rhinehart:**
Address Unknown

Dhiren Patel Rhinehart is the stepson of James Brian Rhinehart and is expected to testify regarding the events which led to Mr. Rhinehart's conviction. Dhiren Rhinehart may also testify regarding his participation in Troop 292 and his interaction with Plaintiff.

f) **Doni Rhinehart (deceased):**

Doni Rhinehart is the ex-wife of James Brian Rhinehart and testified via videotape prior to her death. Plaintiff has possession of this deposition.

g) Shelby Hughes Culbreth:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Ms. Culbreth was a volunteer and Chairman of the Troop 292 Committee. Ms. Culbreth is expected to testify regarding the decision to exclude Plaintiff from participation Troop 292 and the related letter. Ms. Culbreth may also testify regarding Plaintiff's relevant behavior and conduct as a member of Troop 292.

h) Jackie LaFontaine:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Ms. LaFontaine was a Troop 292 volunteer and a member of the Troop 292 Committee. Ms. LaFontaine is expected to testify regarding the decision to exclude Plaintiff from participation in Troop 292 and the related letter. Ms. LaFontaine may also testify regarding Plaintiff's relevant behavior and conduct as a member of Troop 292.

i) Brandon Smith:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Mr. Smith is a District Executive for Palmetto BSA and Troop 292 was, at the time, located in his territory. Mr. Smith is expected to testify regarding his knowledge of the decision to exclude Plaintiff from participation in Troop 292.

j) Rob Green:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Mr. Green is Scout Director for Palmetto BSA and is expected to testify regarding his knowledge of the decision to exclude Plaintiff from participation in Troop 292.

k) Reverend Roy Cole:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Mr. Cole was the interim minister at St. Margaret's Episcopal Church, the chartered organization that sponsored Troop 292. Mr. Cole is expected to testify regarding his knowledge of the decision to exclude Plaintiff from participation in Troop 292.

l) Bob Faulks:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Mr. Faulks is the parent of a Troop 292 member and volunteered on occasion in that capacity. Mr. Faulks is expected to testify that he had no involvement in the decision to exclude Plaintiff from participation in Troop 292. Mr. Faulks may also testify regarding Plaintiff's relevant behavior and conduct as a member of Troop 292, to the extent he observed same.

m) Scott O'Neill:

**C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601**

Co-Defendant. Mr. O'Neill was a Troop 292 volunteer. Mr. O'Neill is expected to testify that he had no involvement in the decision to exclude Plaintiff from participation in Troop 292. Mr. O'Neill may also testify regarding Plaintiff's relevant behavior and conduct as a member of Troop 292, to the extent he observed same.

n) Martha Tetosky:

Address Unknown

Ms. Tetosky is a school psychologist for Spartanburg County School District Two. Ms. Tetosky was Plaintiff's school counselor and, upon information and belief, first reported his allegations against James Brian Rhinehart to the authorities. Ms. Tetosky is expected to testify regarding these events and her treatment/counseling of Plaintiff.

- o) **Susan Ellis:**
Spartanburg County School District Two
4606 Parris Bridge Road
Boiling Springs, SC 29316

Ms. Ellis is a Psycho-Educational Specialist for Spartanburg County School District Two and performed a psychological assessment of Plaintiff following the reported abuse by James Brian Rhinehart. Ms. Ellis is expected to testify to the matters contained in her report(s), any additional medical or clinical records and regarding her treatment/counseling of Plaintiff.

- p) **Dr. Princewell Onwere:**
1800 Colonial Drive
Columbia, SC 29203

Dr. Onwere is an attending psychiatrist for William S. Hall Psychiatric Institute who treated Plaintiff following the reported abuse by James Brian Rhinehart. Dr. Onwere is expected to testify to the matters contained in his report(s), any additional medical or clinical records and regarding his treatment/counseling of Plaintiff.

- q) **Dr. Laurie Barwick:**
250 Dewey Ave
Spartanburg, SC 29303

Dr. Barwick was on staff at Spartanburg Mental Health Center and treated Plaintiff for ADHD, conduct disorder, mild mental retardation and severe problems with aggression. Dr. Barwick is expected to testify regarding her treatment/evaluation of Plaintiff and to the matters contained in her report(s) and any additional medical or clinical records.

- r) **Wiley H. Garrett, MSW, LISW-CP:**
100 Washington Place
Spartanburg, SC 29302

Mr. Garrett is a Counselor with the Children's Advocacy Center and conducted an extended forensics assessment of Plaintiff on behalf of the Spartanburg County Sheriff's Department during the criminal investigation. Mr. Garrett is expected to testify to the matters contained in his report(s), any additional medical or clinical records and regarding his treatment/evaluation of Plaintiff.

- s) **Detective Nikki Cantrell:**
8045 Howard St.,
Spartanburg, SC 29303

Detective Cantrell was the lead detective for the Spartanburg County Sheriff's Office during the criminal investigation of James Brian Rhinehart and is expected to testify regarding that investigation.

- t) **Beverly Dickson:**
Address Unknown

Ms. Dickson is Plaintiff John Doe's stepmother and is expected regarding her knowledge of and response to Plaintiff's allegation that he was molested by James Brian Rhinehart, prior incidents of molestation involving Plaintiff and any medical or psychiatric treatment before and since the events in question. Ms. Dickson is also expected to testify regarding events surrounding Plaintiff's exclusion from participation in Troop 292. Ms. Dickson may also testify regarding other relevant incidents of Plaintiff's misconduct and reporting of complaints of abuse against family members and third parties.

Defendants have not taken a written statement of any of the above witnesses.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER: Objection. Defendants object to this interrogatory to the extent it seeks the production of information and/or documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege, and to the extent it seeks to discover the thoughts and mental impressions of Defendants' counsel. Subject to and without waiving any objection, see documents produced in response to Plaintiff's Request for Production.

3. In cases involving personal injury, set forth the names and addresses of all physicians who have treated the party and all hospitals to which the party has been committed in connection with said injuries and also set forth a statement of all medical costs involved.

ANSWER: Defendants do not seek damages in this case.

4. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER: Defendants continue to investigate the existence and amounts of possible insurance coverage with respect to the allegations and claims set forth in the Complaint. When the investigation is complete, Defendants will supplement this response upon entry of an appropriate confidentiality or protective order.

5. List the names and addresses of each expert witness you propose to use as a witness at the trial of this case.

ANSWER: Defendants have yet to identify any expert, but reserve the right to supplement this response as discovery in this case develops, and further reserve the right to call upon any expert identified by Plaintiff. Defendants note that some of the witnesses identified in response to Interrogatory No. 1 may be called upon to provide expert testimony within their appropriate area of expertise.

6. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: See Answer to Interrogatory No. 1.

7. State the name and last known address of each member of Troop 292 as of October 1, 2005.

ANSWER: Objection. Defendants object to this interrogatory on the grounds that the term "member" is undefined. Subject to and without waiving any objection, Defendants state that Troop 292's adult and youth members on or about October 1, 2005, were as follows:

Adults:

- a) Shelby Hughes Culbreth
C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601

- b) Jackie LaFontaine**
C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601
- c) Scott O'Neil**
C/O Nelson Mullins Riley & Scarborough, LLP
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, South Carolina 29601
- d) Hayley Kosmat**
352 Amhurst Drive
Boiling Springs, SC 29316
- e) Doni Rhinehart (deceased)**
- f) James Brian Rhinehart**
SCDC
Tyger River Correctional Institution
100-200 Prison Road
Enoree, SC 29355

Youth:

- a) Charles A. Cathcart**
551 Houston St.
Spartanburg, SC 29303
- b) Robert M. Cathcart**
551 Houston St.
Spartanburg, SC 29303
- c) Christopher W. Davis**
823 Bryant Rd.
Inman, SC 29349
- d) Oliver C. Hageman**
21 Royal Troon
Campobello, SC 29322
- e) Dhiren P. Rhinehart**
420 Waterford Point Dr.
Boiling Springs, SC 29316

8. State the name and last known address of each member of the Palmetto Council of the Boy Scouts of America, as of October 1, 2005.

ANSWER: Objection. Defendants object to this interrogatory on the grounds that the term "member" is undefined.

9. Identify each award or other recognition given to the John Doe plaintiff for his report of sexual abuse having ended the abuse for the child Brian Rhinehart admitted abusing, and the date the award or recognition was given.

ANSWER: Objection. Plaintiff did not report an allegation of sexual abuse to Defendants. Upon information and belief, Spartanburg County School District 2 employee Martha Tetosky reported Plaintiff's claim to local authorities.

10. Identify each member of Troop 292 responsible for the funds that are contended to have been missing as described by Doni Rhinehart in her deposition.

ANSWER: Objection. Defendants object to this interrogatory to the extent it calls for speculation. Subject to and without waiving any objection, Defendants state that, upon information and belief, Plaintiff was the only Troop 292 member responsible for the alleged missing funds.

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By: 

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(864) 250-2300

Attorneys for Defendants

Greenville, South Carolina
February 13, 2011

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
JANE DOE, as guardian for JOHN DOE,	)	Civil Action No. 10-CP-42-2349
	)	
Plaintiff,	)	
	)	<u>DEFENDANTS' RESPONSES TO</u>
vs.	)	<u>PLAINTIFF'S REQUEST FOR</u>
	)	<u>PRODUCTION</u>
Boy Scout Troop 292, Spartanburg, SC,	)	
Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill,	)	
	)	
Defendants.	)	

Pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, Defendants Boy Scout Troop 292, Spartanburg, SC, Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill ("Defendants"), incorporating the General Objections contained within Defendants' Answers to Plaintiff's Interrogatories served contemporaneously herewith as if restated verbatim, hereby respond to Plaintiff's Request for Production of Documents as follows:

GENERAL OBJECTIONS

Defendants assert the following General Objections to the Plaintiff's Requests. Each objection shall be deemed asserted with respect to each request propounded. On occasion, Defendants have asserted specific objections to certain requests. That other specific objections

were not also stated shall not be construed as a waiver of any applicable objections, either as to that request or as to others.

Defendants also reserve the right to supplement, revise, correct, or clarify these responses as their investigation continues.

Defendants assert the following General Objections:

1. Defendants object to the extent that any request seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege. Should Defendants inadvertently disclose any privileged material, Plaintiff must hold that information in the strictest confidence and shall return or destroy such information upon demand.

2. Defendants object to the extent that the Plaintiff has provided any instruction regarding the definition, interpretation, or characterization of the language set forth in Plaintiff's Requests. Defendants have interpreted such language in a manner consistent with the plain and ordinary meaning of such language.

3. Defendants object to the extent that any request seeks the disclosure of confidential business information, trade secrets, or competitive information.

4. Defendants object to the extent that any request may be ambiguous, confusing, vague, overly broad, or misleading, or that it calls for Defendants to engage in speculation. Should this objection be stated, Defendants will respond in a manner consistent with a reasonable interpretation of the request.

5. Defendants object to the extent that any request seeks the disclosure of information without also providing an operative date or time period.

6. Defendants object to the extent that any request seeks information that is not within its knowledge, or to the extent that any request seeks documents or other tangible things that are not within Defendants' possession, custody, or control.

7. Defendants affirm that it has respectively conducted a thorough search of the locations where responsive documents or other tangible things are reasonably likely to be kept, and that each request has been answered as fully, fairly, and accurately as is reasonably practicable based upon Defendants' personal knowledge of the facts and circumstances. However, these responses are subject to change as their investigation continues. Consistent with the South Carolina Rules of Civil Procedure, Defendants will supplement these requests as necessary.

RESPONSES TO REQUESTS FOR PRODUCTION

1. All documents which relate in any way to your contentions about damages.

RESPONSE: Objection. Defendants do not seek damages in this case.

2. All documents identified in response to interrogatories.

RESPONSE: See enclosed documents.

3. All documents obtained in response to any subpoena.

RESPONSE: See enclosed documents.

4. All exhibits which you intend to offer at trial.

RESPONSE: Objection. Defendants object to this request to the extent it seeks to discover the thoughts and mental impressions of Defendants' counsel. Defendants further object on the grounds that no determination has been made to date regarding what documents may be used as exhibits at any trial of this matter and, as such, Plaintiff's request is premature. Subject to and without waiving any objection, Defendants will timely supplement this response as required by the South Carolina Rules of Civil Procedure.

5. All correspondence between the plaintiff, anyone on behalf of the plaintiff, and any defendant.

RESPONSE: Upon information and belief, Defendants have no such documents. Defendants will supplement this response in the event further investigation leads to the discovery of non-privileged documents responsive to this request.

6. All correspondence between the plaintiff and any other person which relates to this litigation or which you contend relates to this litigation.

RESPONSE: Upon information and belief, Defendants have no such documents. Defendants will supplement this response in the event further investigation leads to the discovery of non-privileged documents responsive to this request.

7. Documents which reflect the membership of Troop 292 as of October 1, 2005, or as close as possible to October 1, 2005.

RESPONSE: Objection. Defendants object to this request on the grounds that the term "membership" is undefined. Subject to and without waiving any objection, see Defendants' Answer to Interrogatory No. 7. Defendants will supplement this response in the event further investigation leads to the discovery of non-privileged documents responsive to this request.

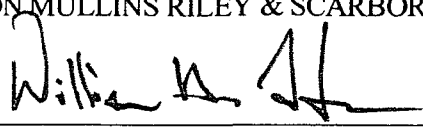
8. All documents, including accounting records, which you contend relate to the money missing as described by Doni Rhinehart in her deposition.

RESPONSE: Objection. Defendants object to this request to the extent it calls for speculation. Subject to and without waiving any objection, Defendants state that the events in question occurred in 2005 and Defendants are aware of no such documents at present. Defendants will supplement this response in the event further investigation leads to the discovery of non-privileged documents responsive to this request.

9. All awards or other recognition given to the plaintiff for having stopped the admitted abuse of one child with his report.

RESPONSE: Objection. Defendants have no knowledge to support the contention that Plaintiff "stopped the admitted abuse of one child with his report." Subject to and without waiving any objection, Defendants state no such documents exist to Defendants' knowledge.

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Attorneys for Defendants

Greenville, South Carolina

February 28, 2011

Certificate of Counsel

I hereby certify that the enclosed Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

A handwritten signature in black ink, appearing to read "Gregg Meyers", with a stylized flourish at the end.

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Attorney for Appellant

The State of South Carolina
In The Court of Appeals

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Appeal from Spartanburg County
Hon. J. Derham Cole, Circuit Court Judge

SC Court of Appeals

Appeal 2012-213521
Case No. 10-CP-42-2349

Jane Doe, as guardian for John Doe, Appellant

v.

Boy Scout Troop 292, Spartanburg SC; Palmetto Council of the Boy Scouts of America; St.
Margaret's Episcopal Church; Shelby Culbreth; Jackie LaFontaine; Brandon Smith; Rob Green;
Roy Cole; Bob Faulks; and Scott O'Neill, Respondents

Proof of Service

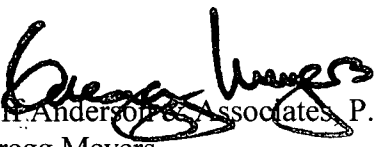
I hereby affirm that pursuant to SCACR 210 I have served upon counsel for the
Respondents a copy of the

RECORD ON APPEAL

by delivery a copy of the Record to counsel for the Respondent both electronically on November
27, 2013 and by United States mail, first-class postage prepaid, addressed to:

William H. Foster, bill.foster@nelsonmullins.com
Miles Coleman, miles.coleman@nelsonmullins.com
Nelson, Mullins, Riley @ Scarborough
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, SC 29601

Done December 19, 2013, from St. Paul, MN


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