

Received
Washington State Supreme Court

E MAR 31 2014
Ronald R. Carpenter
Clerk

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Marriage of:

MASOOD ABAWI,

Appellant/Petitioner,

and

WALQUIRIA GUTIERREZ,

Respondent/Respondent.

Case No. 89825-1

MOTION TO
SUPPLEMENT RECORD
UNDER RAP 9.10
AND RAP 9.11

I. IDENTITY OF MOVING PARTY

Appellant/petitioner Masood Abawi requests the relief designated in Part II.

II. RELIEF REQUESTED

Appellant/petitioner seeks to supplement the appellate record with email correspondence concerning the petitioner's brother Shafiq Abawi and the parenting plan restrictions relating to him. The correspondence is between petitioner and his brother's

criminal attorney and indicates that no charges have been or are expected to be filed against petitioner's brother.

Appellant/petitioner also seeks to supplement the record with correspondence between him and the reunification counselors involved in the case between petitioner and the mother of his eldest daughter Sabrina, concerning ineffective assistance in that matter.

III. FACTS RELATING TO MOTION

A critical issue in this appeal are the parenting plan restrictions entered in this matter due to allegations raised by the respondent Walquiria Gutierrez at trial concerning the petitioner's brother. No charges were ever filed against the brother, and the petitioner was denied an opportunity to fully rebut the allegations at trial. Attached hereto as Exhibit 1 is a copy of the petitioner's email correspondence with his brother's criminal attorney, indicating that no charges are expected to be filed and the police investigation appears to be concluded.


At trial, petitioner Abawi also raised concerns about collusion between the respondent Gutierrez and the mother of his oldest daughter Sabrina, and how such efforts may have unjustly impacted the final parenting plan. Attached as Exhibit 2 are emails

evidencing the delays in the reunification process between petitioner and his oldest daughter.

IV. GROUNDS FOR RELIEF AND ARGUMENT

Under RAP 9.10 and/or 9.11, this evidence is needed to fairly address the unfounded allegations against the petitioner's brother and the parenting plan restrictions that appear to have been incorporated into the final plan as a result of those allegations. Such evidence could well change the trial court decision, and, given petitioner's efforts to present testimony to rebut respondent's allegations, which was excluded at trial, it would therefore be equitable and efficient to consider this evidence. Further, there is no reasonable alternative in the trial court to submit this evidence.

Under RAP 1.2, the appellate rules "will be liberally interpreted to promote justice and facilitate the decision of cases on the merits." The additional income records, verifying testimony at trial and in the motion for reconsideration is critical to an accurate and fair review of the trial court's support order.



Masood Abawi, Appellant/Petitioner

DECLARATION OF SERVICE

I, Masood Abawi, hereby declare that on the 31st day of March, 2014, I caused a true and correct copy of the following:

1. Appellant's Motion to Supplement Record;

to be personally served on the following:

Lindy Hanson
Attorney at Law
Northwest Justice Project
401 2d Ave, Ste. 407
Seattle, WA 98104

DATED this 31st day of March, 2014.

/s/ Masood Abawi
Masood Abawi,
Appellant/Petitioner

EXHIBIT 1

Subject: Re: SHAFIQ ABAWI
From: masood abawi (mabawi2004@yahoo.com)
To: Keith@NewtonandHall.com;
Cc: Brad@NewtonandHall.com; James@NewtonandHall.com;
Date: Thursday, March 27, 2014 3:31 PM

Good afternoon Mr. James Newton
Mr. Bradley Barshis
Mr. Keith Hall

I have received your email as you stated that there is no written assurance but I have asked from an attorney at legal clinic your email is not sufficient we need a letter from prosecutors office or police who ever told your office that they are not moving forward in this case, it has to be in writing we need a copy of that to file in Washington State Supreme Court if you don't provide the letter from Prosecutor's office in timely manner because we don't have much time your office will be responsible for any negative result in the matter with Supreme court once again we thank you for all your help and looking forward to your immediate response.

Thank You

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

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From: Keith Hall <Keith@NewtonandHall.com>
To: masood abawi <mabawi2004@yahoo.com>
Cc: Bradley Barshis <Brad@NewtonandHall.com>; James Newton <James@NewtonandHall.com>
Sent: Thursday, March 27, 2014 10:59 AM
Subject: RE: SHAFIQ ABAWI

Unfortunately, that is not the way things work in the legal system. There are never any written assurances, and there is no recourse for a police investigation which resulted in no charges being filed.

At this point, we consider this matter resolved. Best of luck to you and your Uncle, I am sorry that you had to go through all this.

Keith Hall

Attorney at Law
Newton & Hall, Attorneys at Law, PLLC
610 Central Avenue South
Kent, WA 98032
253.852.6600 office
253.852.6800 fax
keith@NewtonandHall.com
www.NewtonandHall.com

From: masood abawi [mailto:mabawi2004@yahoo.com]
Sent: Wednesday, March 26, 2014 10:06 PM
To: Keith Hall
Cc: Bradley Barshis; James Newton
Subject: Re: SHAFIQ ABAWI

Dear Mr. Newton
Mr. Barshis
Mr. Hall

Hi we would like to thank you all for all your help we received your email and now we need a hard copy from the Police and Prosecutors office which says all this about what you wrote in the email and I need it by tomorrow I have to file it with Wa State Supreme Court deadline is by Friday and I have to drive there my self so please email or I can come pick it up from your office just tell which office because it is very important to file it by Friday once again we thank you for all your help looking forward to your fast respond.

Thank You

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

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On Wednesday, March 26, 2014 2:13 PM, Keith Hall <Keith@NewtonandHall.com> wrote:
Mr. Abawi:

I wanted to let you know that based on all that has occurred, and all that Mr. Newton was able to accomplish, the police and prosecutor will not be moving forward with this case. I am pleased to let you know that there is no need to be concerned about future charges in this matter.

I know it is difficult for your uncle to have gone through this time period, suspected of something that he did not

do. Of course, there is always the possibility of further allegations, and one can never be too careful. I would suggest that Mr. Shafiq Abawi not have any contact with the family members involved with these allegations, as we do not want to see a repeat of this situation.

Please feel free to contact me with any questions or concerns.

Keith Hall

Attorney at Law

Newton & Hall, Attorneys at Law, PLLC

610 Central Avenue South

Kent, WA 98032

253.852.6600 office

253.852.6800 fax

keith@NewtonandHall.com

www.NewtonandHall.com

From: Keith Hall

Sent: Thursday, March 20, 2014 12:46 PM

To: 'mabawi2004@yahoo.com'

Cc: Bradley Barshis; James Newton

Subject: RE: SHAFIQ ABAWI

Hello Mr. Abawi:

I know that both Brad and Jim at this office have been working for some time on this matter, including significant interaction with child protective services, as well as meetings with your uncle. We are also well aware of the allegations and the family court issues. I can assure you that a great deal of work has already been put into this matter, and we are continuing to work on the matter. We consider it a significant accomplishment that Jim and Brad have been able to keep your uncle from being charged with any crime, and normally we do not seek to push law enforcement into making quick decisions which could negatively impact our clients. However, I will once again see if we can establish with finality whether this matter is moving forward or finished. I have reached out to my sources in law enforcement and the prosecutor's office, and hope to have an answer for your uncle soon.

Keith Hall

Attorney at Law

Newton & Hall, Attorneys at Law, PLLC

610 Central Avenue South

Kent, WA 98032

253.852.6600 office

253.852.6800 fax

keith@NewtonandHall.com

www.NewtonandHall.com

Begin forwarded message:

From: "masood abawi" <mabawi2004@yahoo.com>

To: "Jim Newton" <Jim@JimNewtonlaw.com>, "Bradley Barshis" <Brad@JimNewtonLaw.com>

Subject: Fw: SHAFIQ ABAWI

Dear Mr. Jim Newton

Good afternoon, I am writing this email in regards to Mr. Shafiq Abawi my brother which he is right here next to me and he have a copy of this email, we hired you on March 22nd, 2012 and paid you \$5000.00, we have sent you many emails asking for the status of

the case and everytime we have got the same answer "we are going back and forth no charges have been filed", this has been a very difficult time for our family because of these lies and false allegations which my mother could not take it anymore she had a heart attack and pastaway in December of 2012 and shafiq have been going thru Depression, Anxiety, Insomnia and he has been taking these medications which are prescribed by his doctor so he does not harm himself, Lisinopril(PRINVIL,ZESTRIL) 10 MG tablets, Propranolol(INDERAL LA) 120 MG 24 HR, Venlafaxine 225 mg TR24, Zolpidem (AMBIEN) 10 MG Tablet, Diazepam(VALIUM) 10 MG tablet, OxyCODONE-acetaminophen(PERCOCET) and Risperidone 2mg tablet due to these false allegations and lies, he became suicidal due to these false allegations and lies, he is in social security disability now, his doctors names are Robert F Prongay at Fairwood Primary care, Patrick L. Hains, LSWAIC Mental Health Clinician Adult Services at SOUND MENTAL HEALTH, Tukwila. Dr. Edward Schau who is the GA in Sabrina's case is not responding to my emails and Ms. Deb Sweeney who was the reunification therapist went on family leave until further notice which I am going to attach the emails that I have sent to Dr. Schau and Ms. Sweeney for the record, we are asking you to get this false allegation and lies dismissed because I lost my mother and I don't want to lose my brother we would like this false allegation to be dismissed so we can take him overseas for a vacation maybe he will get better and get married and he can start his own family, who would marry under these kind of false allegation and lies upon an innocent person, the honor and dignity of our family have been destroyed, if anything happens to him I am going to hold everyone responsible from A to Z the whole system Dr. Schau, Ms. Sweeney, your law firm and etc. because your firm is not giving us any answer Dr. Schau is not responding and Ms. Sweeney went on family leave and you guys are all professionals. We are Citizens of the United States of America we have rights and everyone is ignoring us, Dr. Schau and Ms. Sweeney keeping me away from my daughter for almost 2 years, we live in a country where human rights starts but we are being ignored this back and forth business is not working with us you have charged us \$5000.00 dollars what have done other then back and forth business that you have told us it is very hurtful and difficult to be falsely accused and given all the proves and evidence and still did hear anything so if police have anything bring it forward and all the evidence we have sent you, you have it, so if we don't hear from you soon then we will take our complain to 3rd party human rights or whom we can take it to, if it is even to WHITE HOUSE. Just to refresh the story I was married to Ms. Qureshi we had Sabrina then Sabrina's mother Ms. Qureshi who was my ex-wife had an affair with Mr. Naseer Qadeer my ex-business partner the prove is they are married and have children together. On September 5th 2011 Ms. Gutierrez my ex-wife, Ms. Qureshi my ex-wife, Mr. Naseer Qadeer my Ex-business partner and they brought Sabrina my daughter and showed up at 11pm at night to my house, Mr. Qadeer my ex-business partner threaten to kill me, he ran after me and broke my door his voice is in 911 tape and there police statements was there which I have sent them to you. They used my own daughter Sabrina against me and my family with there dirty plans, lies and false allegations and targeted my brother Mr. Shafiq Abawi its very hurtful, we have sent you all the proves and evidence and you have not done anything for 2 years, Mr. Shafiq Abawi is right here asking if you can't do anything or don't want to do anything with all evidence and proves we have given you please refund his money so we can hire another attorney. Sabrina is loved so much by me and my family that in 2007 the family restaurant was named after her SABRINA'S INTERNATIONAL CUISINE. I am attaching few emails which I have sent to Dr. Schau and Ms. Sweeney and if there is anything else you need please let us know, looking for your immediate respond and we thank and appreciate all your work and help once again looking forward to your fast respond. For my record March 12th, 2014.

Thank You

Sincerely,

Shafiq A. Abawi
206.293.6000
mabawi2004@yahoo.com

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----- Forwarded Message -----

From: masood abawi <mabawi2004@yahoo.com>
To: masood abawi <mabawi2004@yahoo.com>
Sent: Monday, June 10, 2013 6:33 PM
Subject: Re: SHAFIQ ABAWI

Dear Mr. Jim Newton

Thank you for calling me on June 10th, 2013 at 10:00AM from a private number per our conversation I requested you to send me an email in regards to the case what you told me just like Mr. Don Dascher told me you have been going back and forth verbally speaking to Sheriff's department and prosecutor's office are you sure, when we hired you gave \$5000.00 dollars to represent Mr. Shafiq Abawi as a defense lawyer I don't understand over a year only you have been verbally speaking to the Sheriff's department and Prosecutor's office and no paper in writing have been exchanged, I don't know what prove we have that what types of conversation been exchanged under what law is this possible verbal speaking to the Sheriff's office and Prosecutor's office because I have emailed you many evidence that proves what kind of team they are and proves there lies of there false allegation on an innocent person and what our family have been going thru, my mother had heart attack about 6 months ago and she pastaway, Mr. Shafiq Abawi is going thru depression and is on medication. As a defense lawyer since you took the case and representing Mr. Shafiq Abawi all the evidence been given to you, any of them been given to the Sheriff's office or prosecutor's office, you told me verbally you have been speaking with them and I wanted in writing with email even in your email you only wrote "
Per our conversation, there have been no charges filed in this matter. Our office has represented you and will continue to represent you in any conversations with the prosecutors' office or sheriff. I hope everything else is well with you." I asked you to please give me in writing what we spoke about because from this email does not say that you have

been verbally speaking to the Sheriff's office and Prosecutor's office and no paper work have been exchanged so please I need updates in writing between you as a defense lawyer and Sheriff's office and Prosecutor's office any paper been exchanged since we hired you as a defense Attorney once again thank you very much for your time from your busy schedule this case is very important to us and our family, just like when I picked up the letter from Mr. Bradley Barshis last year he told me that this is not even a cause that it should be dismissed I totally agree with him with all the lies and false allegations and Deputy Master Patrol Razzano's Declaration and all the emails and evidence I have sent you, looking forward getting a reply in writing not telephone conversation that is how we can proceed with the case what has been done so far. For my record on June 11th, 2013.

Thank You

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

From: Jim Newton <Jim@JimNewtonLaw.com>
To: masood abawi <mabawi2004@yahoo.com>
Cc: Don Dascher <don@jimnewtonlaw.com>; Bradley Barshis <Brad@JimNewtonLaw.com>
Sent: Monday, June 10, 2013 10:08 AM
Subject: RE: SHAFIQ ABAWI

Per our conversation, there have been no charges filed in this matter. Our office has represented you and will continue to represent you in any conversations with the prosecutors' office or sheriff. I hope everything else is well with you.

James Newton
Attorney at Law
Law Offices of James Newton
428 W. Harrison St.
Kent, WA 98032
253.852.6600 office
253.852.6800 fax
jim@jimnewtonlaw.com
<http://www.jimnewtonlaw.com/>

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From: masood abawi [<mailto:mabawi2004@yahoo.com>]
Sent: Wednesday, June 05, 2013 12:51 PM
To: Jim Newton; Don Dascher; Bradley Barshis
Subject: SHAFIQ ABAWI

Dear Mr. Newton

Good afternoon this email is in regards to Mr. Shafiq Abawi we have been waiting patiently for long time and when we hired you, you requested \$5000.00 dollars and we paid that and after that we have sent many emails and called your office many times and spoke with Don to get updates in regards to the case but everytime we heard the same thing we are going back and forth and I have provided many documents to you and your office that proves there lies, in regards to my ex business partner Mr. Qadeer, and his wife Kiran Qureshi and my ex-wife Walquiria Gutierrez how it shows what kind of team and group they are that they showed up at 11pm at night with my daughter Sabrina from lynnwood how there text messages which I am including in this email which I told Ms. Gutierrez to only put what court ordered for the insurance for our kids Aryan, Shakira and Samir, and she text me in December 2012 saying don't give my kids to anyone because Ms. Gutierrez

put Ms. Qureshi as one of the person who can pickup our kids at the pickup dropoff and then sent text saying that she puts Sabrina in her Insurance these are just some highlights that I including, things like this which proves there team like being represented by one "Attorney MS. MARGRET BENDER REPRESENTING MY EX-WIFE WALQUIRIA GUTIERREZ, MY EX-BUSINESS PARTNER MR. QADEER AND HER WIFE MY EX-WIFE MS. KIRAN QURESHI AND MY EX-BROTHER IN-LAW MOHAMMAD JAVED and brainwashing my daughter using her against our family and now Shafiq Abawi is going thru depression and he is on medication, so please I need updates about the case whatever been going back in forth it is in writting so please reply to this email and these emails are for my records requesting update on Shafiq Abawi case on June 5th, 2013, looking forward hearing from you once again thank you for all your help. There are documents Ms. gutierrez with fake social security number in her words, certified copy of Wells Fargo bank, charge back for over payment of DSHS for overpayment and copy of Ms. Kiran Qureshi and Ms. Gutierrez's Text messages these are just some documents what kind of team and group they are and I sent you Deputy Master Razzano's declaration and other documents.

Thank You

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

EXHIBIT 2

Subject: Abawi V. Qureshi
From: masood abawi (mabawi2004@yahoo.com)
To: djsweeney52@yahoo.com;
Date: Wednesday, July 11, 2012 6:45 PM

Dear Ms. Sweeney,

In regards to our appointment with Sabrina and me today at 1:00 pm which you asked me to email you the questions I asked in front of you from Sabrina to email it to you which the first question I asked her was from last year in July 2011 when she was with me for her two weeks of vacation I asked her if she told me that she wanted to move with me and her answer was yes, question number two was on September 5th when she came with her mother and stepfather at 11:30 pm by my house her answer was yes and then I asked her if she remember that her stepfather ran after me her answer was that she don't remember and third question I asked her from the time when she started going to Hilltop Elementary school her first teacher was Ms. Brooks second teacher was Ms. Smith and the last one was Mr. Randall whenever I dropped her off to school in her class after a Wednesday overnight or on a Sunday overnight stay with me to school that she was upset and used to cry after I dropped her off in school and her answer was yes, until school counselor had a talk with Ms. Qureshi and also with me in regards to extra overnights stays because she would have a bad day the rest of the day when I dropped her off in school, thanks again for everything.

Thank You

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

Subject: Abawi V Qureshi
From: masood abawi (mabawi2004@yahoo.com)
To: edwardschau@msn.com; djsweeney52@yahoo.com;
Date: Friday, September 27, 2013 4:27 AM

Dear Dr. Schau

I am writing this email because I have many questions in regards to my daughter Sabrina which you guys have kept her away from me for a long time under what constitution is this right I am a UNITED STATES CITIZEN I pay taxes as you do I have same right as you do I feel I have been kicked around between you guys like a soccer ball, Ms. Deb Sweeney wrote on her email **"I am aware that you have not made any efforts to contact Sabrina regarding your professed love for her."** which like I said my love will always be there for Sabrina forever she is my daughter your business stops if I did not pay but mine continues the rest of my life because I love all my children and I will always be there for them but to contact was supposed to be made through Ms Sweeney I had to pay to see my daughter and supposed to be reunified because Ms. Sweeney was the reunification therapist and please define and explain her job what she was suppose to do and what she have done other then damaging my relationship with my daughter worse by keeping her away from me, the name sounds to reunify me and my daughter Sabrina, with years of experience, professionalism and her PHD in this field but she has been delaying our meeting with Sabrina for weeks then month and then months without notifying me is this what the court ordered you guys to do because i need to know to me this is against human rights and humanity this is prejudice against my religion, color, race or gender I need answers, its possible hundreds or even thousands Innocent children and parents been a victim this way in the past. When Ms Sweeney's asked for her retainer I paid her when I went for the first time and that money was finished Ms Sweeney asked for more money which I gave her when she started delaying the sessions I had my Attorney Mr. Bill Tri write an email she told me that from now she was going to set once a week for us to meet that did not happen we meet few times again something else happened and then she went on vacation and returned because you were chosen by our Attorneys and then you choose or approved Ms Springer as the reunification therapist and after her you choose or approved Ms. Deb Sweeney to be the reunification therapist for me and my daughter as we started Ms Sweeney requested the retainer which I went for the appointment and to drop off the retainer, I was by her office she canceled the appointment told me to come back the next day I did and gave her retainer and was waiting for her paperwork to be signed by me because her printer was not working so it was delayed more finally we started with the sessions I sent Ms Sweeney an email January 2013 because my mother past away she did not response I patiently was waiting and then I sent her another email finally she responded to that, that she was injured she is medicated for couple of months but it was 6 months that I had to remind her again and now she is going on family emergency is this how business has been done all these years with innocent parents and children because this is only referel business keep refering to each other and all the evidence I have sent you and Ms Sweeney please collect all of them read them and if you don't have all of them I will be forwarding them to you and please have Ms Sweeney refund all my money and also give me an explanation in this matter please because I have said before I am going to go all the way to White house and i don't need a PHD or LAWYERS degree to represent my self I got the truth and all the evidence that I need for the third party to investigate you guys because there is

always Attorney General office to make my complain or other agencies that handle your field to make my complaint at this time I am in Court of Appeal representing my self in regards to my King County cause looking forward hearing from you soon.

"This is a little short story about my life when I married Ms. Qureshi then we had Sabrina lived few years then Ms. Qureshi had an affair with my business partner Mr. Naseer Qadeer we seperated and Mr. Qadeer was not allowed to be present at the exchanges for 9 months the court recognized it and we put it in the parenting plan, I used to see my daughter Sabrina every Wednesday and every other weekend and the family restaurant was named after Sabrina that is how much me and my family love Sabrina that the restaurant was named after her and then it came on September 5th the night when Ms. Qureshi, Mr. Qadeer, Ms. Gutierrez and Cindy Ms Gutierrez's freind showed up at my resident Mr.Qadeer ran after me threaten to kill me his voice on the 911 call I have sent it you and Ms. Sweeeney and their statements they gave to the police Mr. Qadeer broke our door threaten to kill me and I have sent you guys many emails like the chat between Maria my sister and Sabrina on Skype, the copies of text messeges from Ms. Qureshi , Ms. Gutierrez and me the the police statement when Ms Gutierrez KICKED OUR SON ARYAN admitted to kicking that is why the case was referred to CPS and also on the first report from family court services the statement of the Supervisor of the CPS saying that Ms. Gutierrez admitted to kicking and I have documents from ER from the night Aryan was kicked by Ms. Gutierrez still it was unfounded. The whole team was represented by one Attorney Ms. Bender, there is alot to say and write but I am just writing just few things and then my mother had an heart attacked because she went through alot a pain she loved her grandchildren her heart could not take it anymore even at the hospital she was asking for Sabrina, Aryan, Shakira and Samir then she pastaway on Christmas Eve and I emailed Ms. Sweeeney did not get any response but looking forward hearing from you soon once again thank you for your all your help looking forward hearing from you soon.

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

----- Forwarded Message -----

From: masood abawi <mabawi2004@yahoo.com>
To: Bill Tri <bill@jtwalaw.com>
Sent: Thursday, August 30, 2012 1:25 PM
Subject: Abawi V. Qureshi / My Dearest Sabrina
Dear Mr. Tri

Deb Sweeney
To

- masood abawi

Dear Masood,

Please forgive my lack of response to you. I do not recall getting an mail from you in January, but I looked this morning and, much to my horror, I found it. Just so you know, I sustained a severe injury from a fall in late December and have had three subsequent surgeries. As I was on pain medication (and suffering a great deal of pain), I was not able to see clients for nearly two months. I am recovering now and seeing clients. I am so sorry to hear about your mother. I know how difficult it is to loose a parent.
Deb Sweeney

From: masood abawi <mabawi2004@yahoo.com>
To: Deb Sweeney djsweeney52@yahoo.com; Edward Schau <edwardschau@msn.com>
Sent: Wednesday, June 5, 2013 12:25 PM
Subject: Abawi V. Qureshi

Dear Ms. Sweeney
From

- Deb Sweeney

To

Due to a family medical emergency, I will be out of the office and unavailable for contact for an undetermined period of time. My colleague, Martha Wakenshaw will be covering my practice during my absence. Her contact number is (425) 478-8515.

Respetfully,
Deb Sweeney, MS
Thank You

Masood A. Abawi
206.293.6000
mabawi2004@yahoo.com

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