

ARCHIVE, TERMED

**U.S. District Court
District of Montana LIVE (Billings)
CIVIL DOCKET FOR CASE #: 1:99-cv-00125-RFC**

EEOC v. Gabel Construction
Assigned to: Judge Richard F. Cebull
Demand: \$0
Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 09/30/1999
Date Terminated: 07/23/2002
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Gabrielle Martin**
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
303 East 17th Avenue
Suite 510
Denver, CO 80203
303-866-1300
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacqueline A. Gilvard
EEOC Denver District Ofc
303 East 17th Ave., Ste 510
Denver, CO 80203
303-866-1380
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nelson G. Alston
EEOC Commission
Denver District Office
303 East 17th Ave
Ste 510
Denver, CO 80203
303-866-1950
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vincent White
U.S. Equal Employment Opportunity
Commission
303 East 17th Ave
Suite 510
Denver, CO 80203
303-866-1950
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Gabel Construction Company, Inc.
a Montana corporation

represented by **James R. Halverson**
 HALVERSON & GILBERT
 PO Box 80470
 1001 S 24th Street W
 Suite 301
 Billings, MT 59108-0470
 406-652-1011
 Fax: 406-652-8102
 Email: jhalverson@hglaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/30/1999	1	COMPLAINT AND JURY TRIAL DEMAND - No Summons issued. (CAA) (Entered: 09/30/1999)
09/30/1999	2	NOTICE OF ASSIGNMENT to Mag Judge Richard W. Anderson mailed to attorney(s): Vincent White for plaintiff EEOC (CAA) (Entered: 09/30/1999)
10/18/1999		RECEIVED **Received signed form re: consent to USMJ - sealed**** (JWG) (Entered: 10/18/1999)
12/08/1999	3	MOTION by defendant Gabel Construction to dismiss (JWG) (Entered: 12/09/1999)
12/08/1999	4	NOTICE OF ASSIGNMENT to Mag Judge Richard W. Anderson mailed to attorney(s): James R. Halverson for defendant Gabel Construction (JWG) (Entered: 12/09/1999)
12/16/1999		FILE DELIVERED to RWA for review as no brief in support to m/dismiss (JWG) (Entered: 12/16/1999)
12/20/1999	5	ORDER by Mag Judge Richard W. Anderson denying motion to dismiss [3-1] ; case management ddl set for 1/4/00 for dft to further plead (cc: all counsel) (JWG) (Entered: 12/20/1999)
12/27/1999		REMARK received Consent form (left side file) signed by counsel (left side file) (RMW) (Entered: 12/28/1999)
12/28/1999		FILE DELIVERED to RWA for review of consent docs (RMW) (Entered: 12/28/1999)
12/30/1999	6	ORDER by Judge Jack D. Shanstrom Case reassigned to Judge Jack D. Shanstrom , and Case referred to Mag Judge Richard W. Anderson (cc: all counsel) (SLN) (Entered: 01/19/2001)

01/06/2000		FILE DELIVERED to RWA for review - no answer filed (CAA) (Entered: 01/06/2000)
01/06/2000	7	ANSWER by defendant Gabel Construction complaint [1-1]; jury demand (SLN) (Entered: 01/06/2000)
01/07/2000	8	ORDER by Mag Judge Richard W. Anderson that a Preliminary Pretrial Conference is set for 11:00 3/21/00. The parties shall file & serve prel. pret. stmts by 3/14/00 and predisc. discl. stmts by 3/6/00. (cc: all counsel) (SLN) (Entered: 01/07/2000)
03/02/2000	9	MOTION by plaintiff EEOC for order to appear via Telephone at pretrial conference scheduled for 3/21/00 and to make all arrangements and pay charged (ELL) (Entered: 03/02/2000)
03/02/2000		FILE DELIVERED to RWA for Revidw of #8 Motion w/NO Proposed Order (ELL) (Entered: 03/02/2000)
03/06/2000	10	ORDER by Mag Judge Richard W. Anderson granting motion for order to appear via Telephone at pretrial conference scheduled for 3/21/00 and to make all arrangements and pay charges [9-1] (cc: all counsel) (CAA) (Entered: 03/06/2000)
03/06/2000	11	ATTORNEY APPEARANCE for plaintiff EEOC by Nelson G. Alston, Jacqueline A. Gilvard (CAA) (Entered: 03/06/2000)
03/07/2000	12	PREDISCOVERY DISCLOSURE STATEMENT by defendant Gabel Construction (SLN) (Entered: 03/07/2000)
03/07/2000	13	NOTICE by defendant Gabel Construction consenting to ptlf's motion to appear for ppt conf by phone. (SLN) (Entered: 03/07/2000)
03/08/2000	14	MOTION by plaintiff EEOC for leave to file pre-discovery disclosure beyond the deadline (CAA) (Entered: 03/08/2000)
03/08/2000		Lodged proposed order and discovery disclosure and FILE DELIVERED to RWA for review (CAA) (Entered: 03/08/2000)
03/09/2000	15	ORDER by Mag Judge Richard W. Anderson granting motion for leave to file pre-discovery disclosure beyond the deadline [14-1] (cc: all counsel) (CAA) (Entered: 03/09/2000)
03/09/2000	16	PREDISCOVERY DISCLOSURE STATEMENT by plaintiff EEOC (CAA) (Entered: 03/09/2000)
03/13/2000	17	PRELIMINARY PRETRIAL STATEMENT by plaintiff EEOC (ELL) (Entered: 03/13/2000)
03/14/2000	18	PRELIMINARY PRETRIAL STATEMENT by defendant Gabel Construction (ELL) (Entered: 03/14/2000)
03/21/2000	19	SCHEDULING ORDER Mag Judge Richard W. Anderson ; Preliminary Pretrial Conference held on 3/21/00 and matter placed on General Trial docket & file all Motions for Amendment of pleadings or joinder of new parties by 5-22-00 ; motion brief ddl set for 10/2/00 for Gabel Construction, for EEOC Motion filing: by 10-2-00; Discovery due: by 9-18-00; Status report: week of July 31, 2000; (cc:

		all counsel) (RMW) (Entered: 03/22/2000)
05/16/2000	20	ATTORNEY APPEARANCE for plaintiff EEOC by Gabrielle Martin (CAA) (Entered: 05/16/2000)
06/15/2000	21	MOTION by defendant Gabel Construction to extend time for dft to file answers to discovery until 6/26/00 (CAA) (Entered: 06/15/2000)
06/15/2000		Lodged proposed order and FILE DELIVERED to RWA for review of unopposed motion (CAA) (Entered: 06/15/2000)
06/20/2000	22	ORDER by Mag Judge Richard W. Anderson granting motion to extend time for dft to file answers to discovery until 6/26/00 [21-1] (cc: all counsel) (ELL) (Entered: 06/20/2000)
08/08/2000	23	STATUS REPORT by plaintiff EEOC (CAA) (Entered: 08/08/2000)
08/08/2000	24	STATUS REPORT by defendant Gabel Construction (CAA) (Entered: 08/09/2000)
09/05/2000	25	MOTION and BRIEF IN SUPPORT by plaintiff EEOC to extend discovery deadline from 9/18/00 to 12/1/00 (ELL) (Entered: 09/07/2000)
09/05/2000		Lodged PROPOSED Order submitted by plaintiff EEOC Re doc #25 Motion to Extend (ELL) (Entered: 09/07/2000)
09/06/2000	26	NOTICE by plaintiff EEOC of taking deposition of Gerald Gabel on 9/13/00 at 9:00 a.m.; Matthew E. Strizich on 9/13/00 at 1:00 p.m.; Curt Brennan on 9/13/00 at 3:00 p.m. and Randy Siemers on 9/11/00 via telephone at 9:00 a.m. PDT.(CAA) Modified on 09/07/2000 (Entered: 09/07/2000)
09/07/2000		FILE DELIVERED to NOB for Review of #25 Motion w/po (ELL) (Entered: 09/07/2000)
09/07/2000	27	NOTICE by defendant Gabel Construction of taking deposition of Susan Kaiser on 9/13/00 at 11:30 a.m. (CAA) Modified on 09/11/2000 (Entered: 09/08/2000)
09/07/2000	28	RESPONSE by defendant Gabel Construction to motion to extend discovery deadline from 9/18/00 to 12/1/00 [25-1] (CAA) Modified on 09/11/2000 (Entered: 09/08/2000)
09/11/2000	29	ORDER by Mag Judge Richard W. Anderson granting motion to extend discovery deadline from 9/18/00 to 12/1/00 [25-1]; motion ddl extended until 12/15/00. (cc: all counsel) (CAA) Modified on 09/11/2000 (Entered: 09/11/2000)
09/11/2000	30	RETURN OF SERVICE by defendant Gabel Construction of deposition subpoena for Susan Kaiser on 9/7/00. (CAA) (Entered: 09/11/2000)
09/12/2000		REMARK - BEGIN VOLUME II W/DOCUMENT #31 ***** (ELL) (Entered: 09/13/2000)
09/12/2000	31	SUPPLEMENTAL PRE-DISCOVERY DISCLOSURE STATEMENT by defendant Gabel Construction re statement [12-1] (ELL) (Entered: 09/13/2000)
01/18/2001		FILE DELIVERED to JDS for review per NOB (RMW) (Entered: 01/18/2001)

01/23/2001	32	ORDER by Judge Jack D. Shanstrom on the Court's own Motion: ; pretrial order ddl set for 2/8/01 ; final pretrial conference set for 9:00 2/8/01 (cc: all counsel) (RMW) (Entered: 01/23/2001)
02/01/2001	33	MOTION by plaintiff EEOC for order continuing PPT set for 2-8-01 (RMW) (Entered: 02/01/2001)
02/01/2001		Lodged proposed Order and FILE DELIVERED to JDS for review of # 33 (RMW) (Entered: 02/01/2001)
02/02/2001	34	ORDER by Judge Jack D. Shanstrom granting motion for order continuing FPT set for 2-8-01 [33-1] ; pretrial order ddl reset for 4/26/01 ; final pretrial conference reset for 9:00 4/26/01 (cc: all counsel) (RMW) (Entered: 02/02/2001)
04/18/2001		FILE DELIVERED to RMW desk for reset FPT (RMW) (Entered: 04/18/2001)
04/19/2001		FILE DELIVERED to JDS for reset FPT to 9 AM on May 16, 2001 (RMW) (Entered: 04/19/2001)
04/19/2001	35	NOTICE by plaintiff EEOC of Designation of Deposition Testimony for reading into the Courts record at trial with regard to Jerry Joseph Driscoll (SLN) (Entered: 04/19/2001)
04/19/2001	36	NOTICE by plaintiff EEOC OF Designation of Deposition Testimony for reading into the Courts record at trial with regard to Jim R. Driscoll. (SLN) (Entered: 04/19/2001)
04/19/2001	37	ORDER by Judge Jack D. Shanstrom that the final pret. conf currently set for 4/26/01 is VACATED and the final pretrial conference is RESET for 9:00 a.m. on 5/16/01 (cc: all counsel) (SLN) (Entered: 04/19/2001)
05/07/2001		FILE DELIVERED to RMW desk for reset FPT (RMW) (Entered: 05/07/2001)
05/08/2001		FILE DELIVERED to JDS office for reset FPT to 6-22-01 at 9 AM (RMW) (Entered: 05/08/2001)
05/14/2001	38	SCHEDULING ORDER Judge Jack D. Shanstrom that on the Court's own Motion, the FPT set for May 16, 2001 is vacated and reset: ; final pretrial conference reset for 9:00 6/22/01 (cc: all counsel) (RMW) (Entered: 05/14/2001)
05/16/2001	39	MOTION by defendant Gabel Construction for order denying the admission of hearsay stmts of Curt Brennan (CAA) (Entered: 05/18/2001)
05/16/2001	40	MEMORANDUM/BRIEF by defendant Gabel Construction in support of motion for order denying the admission of hearsay stmts of Curt Brennan [39-1] (CAA) (Entered: 05/18/2001)
05/24/2001		FILE DELIVERED to JDS (LB) for review (SLN) (Entered: 05/24/2001)
05/29/2001	41	RESPONSE in Opposition to and Reply Brief filed by plaintiff EEOC in response to Deft Brief in Opp to Plaintiff motion for order denying the admission of hearsay stmts of Curt Brennan [39-1] (RMW) (Entered: 05/29/2001)
05/29/2001		FILE DELIVERED to JDS for review Motion re Hearsay (RMW) (Entered: 05/29/2001)

05/29/2001		FILE DELIVERED to RWA office for review per JDS office. (RMW) (Entered: 05/29/2001)
06/06/2001	42	REPLY by defendant Gabel Construction to response to motion for order denying the admission of hearsay stmts of Curt Brennan [39-1] file delivered to: RWA (CAA) (Entered: 06/07/2001)
06/14/2001	43	Proposed Final PRE-TRIAL ORDER filed by cnsl for dft and pltf . Trial Days # 3 days or less. (SLN) (Entered: 06/14/2001)
06/15/2001	44	ORDER by Judge Jack D. Shanstrom that on the Court's own Motion, the FPT set for 6-22-01 is vacated without resetting at this time & ; final pretrial conference vacated on 6/15/01 (cc: all counsel) (RMW) (Entered: 06/20/2001)
06/20/2001		REMARK # 44 was held until this date - setting was under consideration by Judges Shanstrom & Cebull and cpy of Order FAXed today to Judge Cebull on request, and to counsels for their information. (RMW) (Entered: 06/20/2001)
06/20/2001		REMARK - Received Plaintiff's Exhibit Lists and attachments and placed in file. (ELL) (Entered: 06/22/2001)
06/26/2001	45	ORDER by Mag Judge Richard W. Anderson granting motion for order denying the admission of hearsay stmts of Curt Brennan [39-1] (cc: all counsel) (ELL) (Entered: 06/26/2001)
06/29/2001	46	MOTION by defendant Gabel Construction in limine to exclude ptlf's hearsay pursuant to Rule 803, Fed R. Evid (SLN) (Entered: 06/29/2001)
06/29/2001	47	MEMORANDUM/BRIEF by defendant Gabel Construction in support of motion in limine to exclude ptlf's hearsay pursuant to Rule 803, Fed R. Evid [46-1] (SLN) (Entered: 06/29/2001)
07/12/2001	48	MOTION by plaintiff EEOC in limine regarding dft's proposed presentation of a jack hammer as real or illustrative evidence (SLN) (Entered: 07/12/2001)
07/12/2001	49	AFFIDAVIT of Nelson Alston's re [48-1] ptlf's moiton in limine regarding dft's proposed presentation of a jack hammer as real or illustrative evidence (SLN) (Entered: 07/12/2001)
07/12/2001	50	RESPONSE by plaintiff EEOC to dft's motion in limine to exclude ptlf's hearsay pursuant to Rule 803, Fed R. Evid [46-1] (SLN) (Entered: 07/12/2001)
07/12/2001	51	AFFIDAVIT of Nelson Alston in re response to dft's Motion in limine to exclude hearsay evidence [50-1] (SLN) (Entered: 07/12/2001)
07/12/2001		FILE DELIVERED to motions drawer for 7/25/01 (SLN) (Entered: 07/12/2001)
07/23/2001		FILE DELIVERED to RWA (KJ) for Review (ELL) (Entered: 07/23/2001)
07/23/2001	52	REPLY by defendant Gabel Construction to response to motion in limine to exclude ptlf's hearsay pursuant to Rule 803, Fed R. Evid [46-1] file delivered to: RWA (CAA) (Entered: 07/24/2001)
07/23/2001	53	RESPONSE by defendant Gabel Construction to motion in limine regarding dft's proposed presentation of a jack hammer as real or illustrative evidence [48-1] (CAA) (Entered: 07/24/2001)

07/23/2001		REMARK - Volume 3 begins with Document #52. (CAA) (Entered: 07/25/2001)
07/25/2001		FILE DELIVERED to RWA (KJ) for review of fully briefed motion (CAA) (Entered: 07/25/2001)
08/03/2001	54	REPLY by plaintiff EEOC to response to motion in limine regarding dft's proposed presentation of a jack hammer as real or illustrative evidence [48-1] file delivered to: RWA (ELL) (Entered: 08/03/2001)
08/27/2001	55	ORDER by Mag Judge Richard W. Anderson denying plaintiff's motion in limine regarding dft's proposed presentation of a jack hammer as real or illustrative evidence [48-1], granting defendant's motion in limine o exclude the testimony of the Kountz memorandum and denying the motion in limine with respect to the testimony of Randy Seimers. (cc: all counsel) (CAA) (Entered: 08/27/2001)
10/02/2001		FILE DELIVERED to Kurt for review (SEALED) (Entered: 10/02/2001)
10/12/2001	56	ORDER by Judge Jack D. Shanstrom recusing himself from further proceedings in this case. This matter shall be referred to Chief Judge Donald W. Molloy for reassignment to the Hon. Richard F. Cebull for all further proceedings. (cc: all counsel) (ELL) (Entered: 10/12/2001)
10/12/2001		REMARK - Mailed copy of Order #56 to Sandy Persha for Judge Molloy's review. (ELL) (Entered: 10/12/2001)
10/18/2001	57	ORDER by Judge Donald W. Molloy regarding the Order of Judge Shanstrom recusing himself from this case [56-1], and the Case is reassigned to Judge Richard F. Cebull (cc: all counsel) (SLN) (Entered: 10/21/2001)
10/21/2001		FILE DELIVERED to RFC for setting a sched conf. (SLN) (Entered: 10/21/2001)
10/24/2001	58	ORDER by Judge Richard F. Cebull that a 2nd Preliminary Pretrial Conference is set for 10:00 am on 11/20/01 (cc: all counsel) (SLN) (Entered: 10/24/2001)
11/21/2001	59	SCHEDULING ORDER Judge Richard F. Cebull ; jury trial set for 9:00 2/4/02 ; Preliminary Pretrial Conference held on 11/20/01 ; final pretrial conference set for 10:00 1/25/02 ; motion brief ddl set for 12/20/01 for EEOC, for Gabel Construction Motion filing: 12/20/01; Discovery due: 12/4/01 ; Status report: n/a; All instructions regarding filing jury instructions, voir dire and exhibits are set forth in this order. (cc: all counsel) (SLN) (Entered: 11/25/2001)
01/15/2002	60	ORDER by Judge Richard F. Cebull that on the Court's own Motion, the FPT set for 1/25/02 and the JuryTrial set for 2/4/02 are vacated and ; final pretrial conference vacated on 1/15/02 ; Jury trial vacated 1/15/02 ; status hearing set for 9:30 1/31/02 byphone & lead cos shall participate (cc: all counsel) (RMW) (Entered: 01/15/2002)
02/01/2002	61	SCHEDULING ORDER Judge Richard F. Cebull purs to phone sch conference & ; jury trial reset for 9:00 4/9/02 ; final pretrial conference reset for 2:00 4/8/02 and deadline for FPT Order & proposed Jury Instructions & trial Briefs & Notice of Intent to use CD ROM & Video conferencing & real time is March 25, 2002 (cc: all counsel) (RMW) (Entered: 02/01/2002)

03/25/2002	62	Proposed VOIR DIRE submitted by plaintiff EEOC (RMW) (Entered: 03/26/2002)
03/25/2002	63	TRIAL brief submitted by plaintiff EEOC (RMW) (Entered: 03/26/2002)
03/25/2002	64	Proposed JURY INSTRUCTIONS submitted by plaintiff EEOC (RMW) (Entered: 03/26/2002)
03/25/2002	65	Proposed JURY INSTRUCTIONS submitted by plaintiff EEOC (RMW) (Entered: 03/26/2002)
03/25/2002	66	Stipulated JURY INSTRUCTIONS submitted by defendant Gabel Construction, plaintiff EEOC (RMW) (Entered: 03/26/2002)
03/25/2002		REMARK disk submitted by Plaintiff. (RMW) (Entered: 03/26/2002)
03/26/2002	67	ORDER by Judge Richard F. Cebull that on the Court's own Order, the FPt set for 4/8/02 and the jury trial set for 4/9/02 are vacated & lead co shall participate in phone sch conf on April 25, 2002 at 9 AM & the dates for submission of the FPT Order & Jury Instructions will be reset at the Sch Conf ; final pretrial conference vacated on 3/26/02 ; Jury trial vacated 3/26/02 ; Phone scheduling/status hearing set for 9:00 4/25/02 (cc: all counsel) (RMW) (Entered: 03/26/2002)
04/15/2002	68	RETURN OF SERVICE by defendant Gabel Construction of deposition subpoena; served upon Jim Driscoll on 3/19/02 (TMD) (Entered: 04/16/2002)
04/15/2002	69	RETURN OF SERVICE by defendant Gabel Construction of deposition subpoena served upon Jeff Stricker on 3/13/02 (TMD) (Entered: 04/16/2002)
04/15/2002	70	RETURN OF SERVICE by defendant Gabel Construction of deposition subpoena served upon Pat Todd on 3/14/02 (TMD) (Entered: 04/16/2002)
04/15/2002	71	RETURN OF SERVICE by defendant Gabel Construction of deposition subpoena served upon Annette Sand on 3/13/02 (TMD) (Entered: 04/16/2002)
04/26/2002	72	ORDER by Judge Richard F. Cebull ; Status hearing held 4/25/02 (cc: all counsel) (RMW) (Entered: 04/26/2002)
04/26/2002	72	SCHEDULING ORDER Judge Richard F. Cebull ; jury trial set for 9:00 6/11/02 ; final pretrial conference set for 1:30 6/10/02 (cc: all counsel) (RMW) (Entered: 04/26/2002)
04/26/2002	73	ORDER by Judge Richard F. Cebull that matter is referred to US Mag Judge Carolyn Ostby for limited purpose of conducting a formal settlement conf & arrangements & scheduling of the conf will be by Order of Judge Ostby (cc: all counsel) (RMW) (Entered: 04/26/2002)
04/26/2002		REMARK cpy of # 73 to Judge Ostby with inquiry - would she like us to send file to her (RMW) (Entered: 04/26/2002)
04/29/2002		On Judge Ostby's request - FILE DELIVERED to GF for review by Judge Ostby including 3 vol - by Cert Mail RR # 7001 0360 0000 2108 0347 (RMW) (Entered: 04/29/2002)

04/29/2002	74	ORDER by Judge Carolyn S. Ostby: Settlement conference set for 9:00AM on 5/13/02 IN BILLINGS; confidential settlement brochures due 5/6/02 (cc: all counsel) (MJG) (Entered: 05/06/2002)
05/01/2002		Received file in 3 volumes from C/C Blgs (MJG) (Entered: 05/01/2002)
05/02/2002		ALL THREE FILES DELIVERED to CSO for Setting of Settlt Conf (REW) (Entered: 05/02/2002)
05/13/2002		RECEIVED- 3 vol. case file in Billings from Mag. Ostby (SLN) (Entered: 05/15/2002)
05/14/2002	75	ORDER by Judge Richard F. Cebull that upon notice from parties of settlement in this case, the final pretrial conference of 6/10/02 is vacated and the Jury trial date of 6/11/02 is vacated. The settlement conf was held 5/13/02 before mag. Ostby. dismissal papers ddl set for 6/14/02 (cc: all counsel) (SLN) (Entered: 05/15/2002)
05/15/2002		FILE DELIVERED to motions drawer for 6/14/02 for dismissal papers. (SLN) (Entered: 05/15/2002)
07/17/2002		FILE DELIVERED to RFC for review of file status. (RMW) (Entered: 07/17/2002)
07/22/2002	76	Joint Stip/MOTION by defendant Gabel Construction, plaintiff EEOC to dismiss case with prej consistent w/terms of joint settlement (RMW) (Entered: 07/23/2002)
07/23/2002		REMARK Lodged PO re # 76 and to RFC. (RMW) (Entered: 07/23/2002)
07/23/2002	77	ORDER by Judge Richard F. Cebull granting Joint stip/ motion to dismiss case with prej consistent w/terms of joint settlement [76-1] (cc: all counsel) (RMW) (Entered: 07/24/2002)
04/29/2004		ARCHIVE CASE SENT TO RECORD CENTER FRC/Location # 198753-198969 Box # 176 Accession # 021 04 0008 FRC-Denver, CO (TMD) (Entered: 04/29/2004)

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