

Beverly Eaves Perdue, Governor  
Pamela T. Young, Chair



Bernadine S. Ballance, Commissioner  
Linda Cheatham, Commissioner  
Laura K. Mavretic, Commissioner  
Danny L. McDonald, Commissioner  
Staci Meyer, Commissioner  
Christopher Scott, Commissioner

## North Carolina Industrial Commission

### IMPORTANT NOTICE TO ALL PARTIES

Your attention is directed to the Rules of the Industrial Commission as they apply to hearings before the Full Commission. All briefs or motions to the Commission should be submitted in triplicate.

**For cases set on the attached calendar before the Full Commission on June 1, 2, 15, and 28, 2011, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Megan Jost, Law Clerk to Commissioner Linda Cheatham, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Jost is (919) 807-2524. The appropriate contact person varies with each calendar and will be identified as above.**

Requests for continuances must be submitted at least two weeks prior to the date of hearing or oral argument may be waived in lieu of continuances for the requesting parties. Unexpected emergencies will be the exception. **In the event a case is continued, the case will be heard before the same panel at a later date.**

ALL BRIEFS AND FORMS 44 should be directed to the attention of Linda Langdon, Docket Director. Stipulations for first extensions of time to file Forms 44 or briefs may be submitted in writing and also directed to the attention of the Docket Director. If both parties agree to the extension of time, there will be no need to submit a formal Order to the Commission; however, please inform the Commission, in writing, as to the extension of time agreed between the parties. A party represented by counsel who fails to timely file a brief may not be allowed oral argument before the Full Commission.

The attached cases are scheduled for disposition by the Full Commission. Some may be determined without oral argument per I. C. Rule 701(8). The parties will be notified by Order of the Commission a week prior to the hearing dates below if oral argument is declined. If no such Order is issued, oral arguments will be held as scheduled below:

**JUNE 1, 2, 15 & 28, 2011  
DOBBS BUILDING  
SECOND FLOOR, ROOM 2173  
430 NORTH SALISBURY STREET  
RALEIGH, NC 27603**

Hearings will be held in the Industrial Commission Hearing Room, Room No. 2173 (Second Floor), Dobbs Building, Raleigh, North Carolina. The Dobbs Building has now been secured. Please enter the building through the receptionist's area located on the third floor (on the mall area).

Please review the enclosed calendar to determine the exact date on which your case will be heard. The docket prior to your case may be dismissed or continued. If you are not present in court when your case is reached, the Commission will consider the record and will render its decision without hearing oral argument.

NORTH CAROLINA INDUSTRIAL COMMISSION

Linda Langdon  
Docket Director

Docket Section • 4336 Mail Service Center • Raleigh, North Carolina 27699-4336  
Telephone: (919) 807-2504 • Fax: (919) 715-0282 • Internet Address: <http://www.ic.nc.gov/>

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW DOCKET

LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
PAMELA T. YOUNG, CHAIR  
DANNY L. MCDONALD, COMMISSIONER  
STACI MEYER, COMMISSIONER  
CHRISTOPHER SCOTT, COMMISSIONER

WEDNESDAY, JUNE 1, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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581672 ANITA SMITH COBB, DAUGHTER; PLF: EARLY & CHANDLER  
CS STARLING ANN SMITH, DAUGHTER; ROCKY MOUNT, N.C.  
9:00 AND TRACY LEVON SMITH, JR., SON,  
RESET PLAINTIFFS AND NEXT OF KIN OF DFT: TEAGUE CAMPBELL DENNIS &  
TRACY L. SMITH, DECEASED, GORHAM, RALEIGH, N.C.  
v  
CLARK & LANGLEY, INC.  
ZENITH INSURANCE COMPANY

**(MCDONALD\*, BALLANCE, YOUNG)**

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088770 SOLOMAN DJAN PLF: BRUMBAUGH MU & KING  
VH v JACKSONVILLE, N.C.  
9:00 WAL-MART ASSOCIATES  
RESET HOME ASSUANCE ASSOCIATION DFT: HEDRICK GARDNER KINCHELOE &  
GAROFALO, RALEIGH, N.C.

**(MCDONALD\*, BALLANCE, YOUNG)**

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532319 HORACE K. POPE, JR. PLF: WALLACE & GRAHAM  
GG v SALISBURY, N.C.  
9:00 JOHNS MANVILLE  
RESET ST. PAUL TRAVELERS DFT: HEDRICK GARDNER KINCHELOE &  
GAROFALO, CHARLOTTE, N.C.

**(YOUNG\*, MCDONALD, SCOTT)**

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**CONTINUED**

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW            DOCKET

LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
PAMELA T. YOUNG, CHAIR  
DANNY L. MCDONALD, COMMISSIONER  
STACI MEYER, COMMISSIONER  
CHRISTOPHER SCOTT, COMMISSIONER

WEDNESDAY, JUNE 1, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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995199	WILLIAM TASARO	PLF: PRO SE
PB	v	
9:00	TOWN OF GARNER	DFT: TEAGUE CAMPBELL DENNIS &
RESET	NC LEAGUE OF MUNICIPALITIES	GORHAM, RALEIGH, N.C.

**(CHEATHAM\*, SCOTT, YOUNG)**

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573557	STEVEN STINSON	PLF: DAVID GANTT
&	v	ASHEVILLE, N.C.
646846	WAL-MART	
RH	AMERICAN HOME ASSURANCE	DFT: HEDRICK GARDNER KINCHELOE &
9:00	CLAIMS MANAGEMENT, INC.	GAROFALO, CHARLOTTE, N.C.
RESET		

**(BALLANCE\*, CHEATHAM, MCDONALD)**

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**COURT RECESS**  
**(ORAL ARGUMENTS TO RESUME AT 1:30 P.M.)**

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW            DOCKET

LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
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DANNY L. MCDONALD, COMMISSIONER  
STACI MEYER, COMMISSIONER  
CHRISTOPHER SCOTT, COMMISSIONER

WEDNESDAY, JUNE 1, 2011

1:30 P.M.

RALEIGH, NORTH CAROLINA

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741189 CS 1:30 RESET	ROY O. STEWART v RANDALL'S ROOFING AND SIDING, INC., RANDALL PORTER, BOBBY PORTER AND BRAD PORTER D/B/A PORTER CONSTRUCTION AMERICAN ZURICH INSURANCE COMPANY	PLF: HEDRICK KEPLEY BOONE, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
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**(MCDONALD\*, BALLANCE, SCOTT)**

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477837 GH 1:30 RESET	ANGELA THAMES v NEW HANOVER COUNTY SELF-INSURED (PMA MANAGEMENT CORPORATION)	PLF: BAKER & SLAUGHTER WILMINGTON, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.
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**(MEYER\*, CHEATHAM, SCOTT)**

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526578 RWR 1:30 RESET	GLENDA THOMAS v JE WILSON ENTERPRISES PENN NATIONAL INSURANCE COMPANY	PLF: TERRY F. ROSE SMITHFIELD, N.C.  DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
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**(MEYER\*, CHEATHAM, SCOTT)**

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NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW          DOCKET

LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
CHRISTOPHER SCOTT, COMMISSIONER

THURSDAY, JUNE 2, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

W22624     JOSE CLEMENTE HERNANDEZ  
&           GONZALEZ  
  
              v  
              JIMMY WORRELL D/B/A  
              WORRELL CONSTRUCTION,  
              PATRICK LAMM AND CO., LLC  
              TRAVELERS INDEMNITY CO.,  
              BUILDERS MUTUAL INS. CO.,  
              SCOTT INSURANCE AGENCY,  
              SWISS REINSURANCE COMPANY,  
              CINCINNATI INSURANCE CO.

PLF:       THOMAS AND FARRIS  
              WILSON, N.C.

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BLAKE LAW FIRM  
WILSON, N.C.

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MORRISON LAW FIRM  
WILSON, N.C.

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N.C. DEPARTMENT OF JUSTICE  
RALEIGH, N.C.

PH-2347     N.C. INDUSTRIAL COMMISSION  
AP                         v  
9:00          JIMMY WORRELL CONSTRUCTION  
              D/B/A WORRELL CONSTRUCTION,  
              NON-INSURED

DFT:       HEDRICK GARDNER KINCHELOE &  
              GAROFALO, CHARLOTTE, N.C.

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LEWIS & ROBERTS  
RALEIGH, N.C.

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MANNING FULTON & SKINNER,  
RALEIGH, N.C.

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WOMBLE CARLYLE SANDRIDGE &  
RICE, RALEIGH, N.C.

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JIMMY WORRELL D/B/A WORRELL  
CONSTRUCTION,  
UNREPRESENTED

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**COURT RECESS**  
**(ORAL ARGUMENTS TO RESUME AT 1:30 P.M.)**

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW          DOCKET

LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
CHRISTOPHER SCOTT, COMMISSIONER

THURSDAY, JUNE 2, 2011

1:30 P.M.

RALEIGH, NORTH CAROLINA

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W16310    CELITA FRUIA  
JG                    v  
1:30        RESOURCE HEALTH CARE OF  
              AMERICA, INC.  
              THE PMA INSURANCE GROUP

PLF: MILLS LEVINE  
MOORESVILLE, N.C.

DFT: NORTHUP MCCONNELL & SIZEMORE  
ASHEVILLE, N.C.

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059889    JAMES MCGLAMERY  
RH                    v  
1:30        VULCAN MATERIALS CO.,  
              SELF-INSURED  
              MAYMEAD LIME CO.,  
              USF&G, THE HARTFORD

PLF: SCUDDER & HEDRICK  
RALEIGH, N.C.

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HEDRICK KEPLEY  
BOONE, N.C.

DFT: WOMBLE CARLYLE SANDRIDGE &  
RICE, GREENVILLE, S.C.

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NORTHUP MCCONNELL & SIZEMORE  
ASHEVILLE, N.C.

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HEDRICK GARDNER KINCHELOE &  
GAROFALO, CHARLOTTE, N.C.

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614905    CASSIUS CLAY CHAMBERS  
BH                    v  
1:30        CHAIR AND EQUIPMENT RENTALS, INC.  
              GENERAL CASUALTY INSURANCE  
              COMPANY

PLF: NEWTON LAW FIRM  
BEAUFORT, N.C.

DFT: TEAGUE CAMPBELL DENNIS &  
GORHAM, RALEIGH, N.C.

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NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
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LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
STACI MEYER, COMMISSIONER

WEDNESDAY, JUNE 15, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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W36927	KIMBERLY NORMAN	PLF:	LAW OFFICES OF JAMES SCOTT
JG	v		FARRIN, DURHAM, N.C.
9:00	CRAVEN COUNTY HEALTH	DFT:	CRANFILL SUMNER & HARTZOG
	DEPARTMENT		WILMINGTON, N.C.
	COMPENSATION CLAIMS SOLUTIONS		

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W38091	CHRIS CAPRARO	PLF:	R. JAMES LORE
CS	v		CARY, N.C.
9:00	CHARLOTTE CHECKERS	DFT:	HEDRICK GARDNER KINCHELOE &
	ACE AMERICAN INS. (GAB ROBINS		GAROFALO, CHARLOTTE, N.C.
	NORTH AMERICA, INC., TPA)		

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997556	EARLENE BELLAMY	PLF:	THE MCGOUGAN LAW FIRM
&	v		TABOR CITY, N.C.
	RAINTREE HEALTHCARE OF		
	TABOR CITY, LLC D/B/A		N.C. DEPARTMENT OF JUSTICE
	WATERBROOK ASSISTED LIVING		RALEIGH, N.C.

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PH-2382	N.C. INDUSTRIAL COMMISSION	DFT:	THE MONTGOMERY LAW FIRM
AP	v		CHARLOTTE, N.C.
9:00	RAINTREE HEALTHCARE OF		
	TABOR CITY, LLC D/B/A		
	WATERBROOK ASSISTED LIVING		

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896938	JASON D. HAZLETT	PLF:	POISSON POISSON & BOWER
KL	v		WADESBORO, N.C.
9:00	MICHELIN NORTH AMERICA	DFT:	RUDISILL WHITE & KAPLAN
	GALLAGHER BASSETT SERVICES,		CHARLOTTE, N.C.
	INC.		

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**COURT RECESS**  
**(ORAL ARGUMENTS TO RESUME AT 1:30 P.M.)**

NORTH CAROLINA INDUSTRIAL COMMISSION  
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LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
STACI MEYER, COMMISSIONER

WEDNESDAY, JUNE 15, 2011

1:30 P.M.

RALEIGH, NORTH CAROLINA

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638089 RH 1:30	FOIFUA LEOVAO v PIKE ELCTRIC, INC. LIBERTY MUTUAL INSURANCE CO.	PLF: MCKINNEY & TALLANT ROBBINSVILLE, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
766829 JG 1:30	JOE HALE v LAKE NORMAN CLEANING SYSTEMS LLC VIRGINIA SURETY INSURANCE CO. (WITH FIRSTCOMP INSURANCE)	PLF: LAW OFFICE OF MICHAEL J. BEDNARIK CHARLOTTE, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
W39360 BD 1:30	MARINA S. KYAZIMOVA v SOUTHEASTERN HEART & VASCULAR CENTER THE PHOENIX INSURANCE COMPANY	PLF: OXNER THOMAS + PERMAR GREENSBORO, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
R06562 & R57372 MG 1:30	EDWARD RECH v US AIRWAYS, INC. FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION (FOR RELIANCE, INSOLVENT)	PLF: PRO SE DFT: BROOKS STEVENS AND POPE RALEIGH, N.C.

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NORTH CAROLINA INDUSTRIAL COMMISSION  
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LINDA CHEATHAM, PANEL CHAIR  
BERNADINE S. BALLANCE, COMMISSIONER  
DANNY L. MCDONALD, COMMISSIONER

TUESDAY, JUNE 28, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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W31870      RAYMOND THOMAS  
MG                                  v  
9:00            CONAGRA FOODS, INC.  
                    SEDGWICK CMS

PLF:    PATTERSON HARKAVY  
          CHAPEL HILL, N.C.

DFT:    CRANFILL SUMNER & HARTZOG  
          RALEIGH, N.C.

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W62578      WILLIAM CRUDUP  
&                                  v  
                    KEVIN PEARCE  
                    NON-INSURED

PLF:    OXNER THOMAS + PERMAR  
          RALEIGH, N.C.

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N.C. DEPARTMENT OF JUSTICE  
RALEIGH, N.C.

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PH-2529      N.C. INDUSTRIAL COMMISSION  
AP                                  v  
9:00            KEVIN PEARCE, NON-INSURED,  
                    AND KEVIN M. PEARCE,  
                    INDIVIDUALLY

DFT:    ALLEN KOPET & ASSOCIATES  
          RALEIGH, N.C.

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KEVIN M. PEARCE  
UNREPRESENTED

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088545      EDDIE D. BROWN  
&                                  v  
080655      TYSON FOODS, INC.  
KL                                  SELF-INSURED  
9:00

PLF:    LAW OFFICE OF FRANKLIN D. SMITH  
          ELKIN, N.C.

DFT:    BROOKS STEVENS AND POPE  
          RALEIGH, N.C.

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TA-19435      RICHARD WAYNE BARFIELD  
TS                                  v  
9:00            N.C. DEPARTMENT OF CRIME  
                    CONTROL AND PUBLIC SAFETY

PLF:    J. MICHAEL GAY LAW OFFICES  
          HILLSBOROUGH, N.C.

DFT:    N.C. DEPARTMENT OF JUSTICE  
          RALEIGH, N.C.

**(CHEATHAM\*, BALLANCE, MCDONALD)**

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**COURT RECESS  
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NORTH CAROLINA INDUSTRIAL COMMISSION  
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BERNADINE S. BALLANCE, COMMISSIONER  
DANNY L. MCDONALD, COMMISSIONER

TUESDAY, JUNE 28, 2011

1:30 P.M.

RALEIGH, NORTH CAROLINA

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605321 PB 1:30	ONNIE GREGORY v ANSON COMMUNITY HOSPITAL KEY RISK MANAGEMENT SERVICES	PLF: LAW OFFICE OF SETH M. BERNANKE CHARLOTTE, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
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652231 PH 1:30	LORRAINE BOSTON v CHESTERFIELD ELEMENTARY SCHOOL/BURKE COUNTY SCHOOLS/ N.C. DEPARTMENT OF PUBLIC INSTRUCTION	PLF: THE SUMWALT LAW FIRM CHARLOTTE, N.C. DFT: N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.
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090667 BH 1:30	MATTHEW WORKMAN v MAJOR CONTRACTORS, INC. HARTFORD MUTUAL INSURANCE COMPANY	PLF: FREDERICK R. STANN GASTONIA, N.C. DFT: YOUNG MOORE AND HENDERSON RALEIGH, N.C.
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193743 PH 1:30	LYNWOOD THOMAS v RICHMOND YARNS, INC. SYNERGY COVERAGE SOLUTIONS	PLF: PRO SE DFT: CRANFILL SUMNER & HARTZOG, CHARLOTTE, N.C.
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