

THE KING'S BENCH
WINNIPEG CENTRE

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF MANITOBA CLINIC MEDICAL CORPORATION AND THE MANITOBA CLINIC HOLDING CO. LTD.

(the "Applicants")

APPLICATION UNDER: THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C., c. C-36, AS AMENDED

AFFIDAVIT OF MICHELLE LOFTUS,
affirmed September 22, 2023

TAYLOR McCAFFREY LLP
Barristers and Solicitors
2200 – 201 Portage Avenue
Winnipeg, Manitoba
R3B 3L3

Douglas E. Finkbeiner, K.C./Ph. 204-988-0414
David R.M. Jackson/Ph. 204-988-0375
Charles Roy/Ph. 204-988-0472
Fax No. 204-957-0945

Client File No. 1102-154

THE KING'S BENCH
WINNIPEG CENTRE

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF MANITOBA CLINIC MEDICAL CORPORATION
AND THE MANITOBA CLINIC HOLDING CO. LTD.

(the "Applicants")

APPLICATION UNDER: THE *COMPANIES' CREDITORS*
ARRANGEMENT ACT, R.S.C., c. C-36, AS AMENDED

AFFIDAVIT OF MICHELLE LOFTUS

I, Michelle Loftus, of the City of Winnipeg, in the Province of
Manitoba, Legal Assistant,

MAKE OATH AND SAY THAT:

1. I am a Legal Assistant employed by the law firm of Taylor McCaffrey LLP, solicitors for the Applicants herein, and as such have personal knowledge of the facts and matters hereinafter deposed to by me except where stated to be based upon information and belief and in those I do verily believe.
2. I make this Affidavit in support of a motion to amend an error in the Order of Mr. Justice Kroft Signed on August 9, 2023.
3. I am advised by Charles Roy, counsel for the Applicants, and do verily believe that on August 2, 2023, at the hearing of a contested motion,

evidence was presented to Justice Kroft with respect to the service of interested parties. Justice Kroft was advised that Dr. Daljit Gill, from the Service List, had been served separately in an email from counsel for the Monitor, Craig Frith.

4. I am further advised by Charles Roy, counsel for the Applicants, that Justice Kroft granted an Order validating service and directed the Applicants to file an affidavit of service detailing the service of Dr. Gill and provided a proposed form of Order for Justice Kroft's review and execution.

5. A copy of the Affidavit of Michelle Loftus, affirmed August 2, 2023 and the proposed Order was sent by email to Justice Kroft on August 4, 2023. The Affidavit of Michelle Loftus purported to give evidence of the service of Dr. Gill. Justice Kroft was advised that the Affidavit of Michelle Loftus was being concurrently sent for filing. Attached hereto and marked as **Exhibit "A"** to this my affidavit is a copy of that email with the attachments.

6. I am further advised by Charles Roy, counsel for the Applicants, that the Affidavit of Service of Michelle Loftus, affirmed August 2, 2023, was rejected by the Court of King's Bench Registry on August 3, 2023, on the basis that Ms. Loftus could not submit an Affidavit of Service describing service effected by another individual.

7. I am further advised by Charles Roy and do verily believe that on or about August 3, 2023, he contacted, Craig Frith, counsel for the Monitor, by

phone to request that he provide an affidavit of service of his service of Dr. Gill by email. The Affidavit of Service of Craig Frith, sworn August 4, 2023 was filed with this Court on August 11, 2023. Attached hereto and marked as **Exhibit "B"** to this my affidavit is a copy of said affidavit of service.

8. I have conducted my own search of the files of Taylor McCaffrey and the Manitoba Court of King's Bench online registry and see that the Honourable Justice Kroft signed the proposed Order sent to him on August 4, 2023 on August 9, 2023 and it was filed on the Court Docket on August 11, 2023.

9. I make this Affidavit *bona fide* and for no improper purpose.

AFFIRMED BEFORE ME at the City of)
Winnipeg, in the Province of Manitoba,)
this 22nd day of August, 2023.)

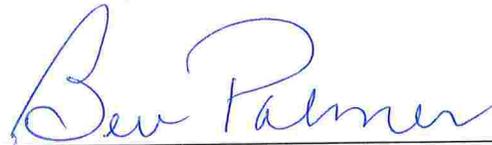
Ben Palmer)

A Commissioner for Oaths in and
for the Province of Manitoba

My Commission Expires: August 16, 2025

Michelle Loftus
MICHELLE LOFTUS

This is **Exhibit "A"** to the Affidavit
of Michelle Loftus affirmed
before me at Winnipeg, Manitoba,
in the Province of Manitoba on
the 22nd day of September, 2023.



A Commissioner for Oaths in and for
the Province of Manitoba.

My Commission Expires: August 16, 2025

Loftus, Michelle

From: Loftus, Michelle
Sent: Thursday, August 3, 2023 10:48 AM
To: [REDACTED] 'Tracy.Naismith@gov.mb.ca'
Cc: Roy, Charles; Jackson, David
Subject: FW: Manitoba Clinic CCAA - King's Bench File No. CI 22-01-38613 - August 2, 2023
Attachments: 2023-08-03 LT to Justice Kroft (encl Aff Service and Order).pdf

Good Morning My Lord,

Please see the attached correspondence from Mr. Charles Roy. Original will follow by delivery this afternoon.

Best Regards,

Michelle Loftus

Charles Roy
Direct Line: 204.988.0472
Direct Fax: 204.953.7231
Email: croy@tmlawyers.com
Assistant: Michelle Loftus
Direct Line: 204.988.0327

August 3, 2023

VIA EMAIL: [REDACTED] and DELIVERED

The Honourable Mr. Justice Kroft
Court of King's Bench
408 York Avenue
Winnipeg, MB R3C 0P8

My Lord:

Re: In the Matter of Manitoba Clinic Medical Corporation et al
Court of King's Bench File No. CI 22-01-38613
Wednesday, August 2, 2023 at 10:00 a.m. – Kroft, J.

As you directed in Court on August 2, 2023, we are sending you the final version of the Order for your execution. Further, we have sent for filing the original signed copy of the Affidavit of Service of Craig Frith, sworn August 1, 2023, as well as the Affidavit of Service of Michelle Loftus, affirmed August 2, 2023, with respect to the service of Dr. Daljit Gill. We are also attaching a copy of the Affidavit of Service of Michelle Loftus for your Lordship's convenience.

You will note that we revised the Order to include the date of the Third Report of the Monitor as well as added referenced the three (3) Affidavits of Service that have been/are being filed with respect to the service of materials for the August 2, 2023 hearing to the Order.

Please contact the writer should you have any questions or concerns.

We thank you for your assistance on this matter.

Yours truly,

TAYLOR McCAFFREY LLP

Per: 

CHARLES ROY

CR/ml

(Enclosures)

E-MAIL

cc Manitoba Clinic, Attn: Keith McConnell

cc McDougall Gauley LLP, Attn: Ian Sutherland/Craig Frith

cc Alvarez & Marsal, Attn: Orest Konowalchuk/Cassie Riglin

cc MLT Aikins, Attn: J.J. Burnell

cc David Jackson

cc Tracy.Naismith@gov.mb.ca

File No. CI 22-01-38613

THE KING'S BENCH
WINNIPEG CENTRE

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF MANITOBA CLINIC MEDICAL CORPORATION AND THE MANITOBA
CLINIC HOLDING CO. LTD.**

(the "Applicants")

**APPLICATION UNDER: THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C., c. C-36, AS AMENDED**

ORDER
(STAY EXTENSION AND OTHER RELIEF)

TAYLOR McCAFFREY LLP
Barristers and Solicitors
2200 – 201 Portage Avenue
Winnipeg, Manitoba
R3B 3L3

Douglas E. Finkbeiner, K.C./Ph. 204-988-0414
David R.M. Jackson/Ph. 204-988-0375
Charles Roy/Ph. 204-988-0472
Fax No. 204-957-0945

Client File No. 1102-154

**THE KING'S BENCH
WINNIPEG CENTRE**

THE HONOURABLE)
) Wednesday, the 2nd day of August, 2023
MR. JUSTICE KROFT)

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF MANITOBA CLINIC MEDICAL CORPORATION AND THE MANITOBA CLINIC HOLDING CO. LTD.

(the "Applicants")

APPLICATION UNDER: THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C., c. C-36, AS AMENDED

**ORDER
(STAY EXTENSION AND OTHER RELIEF)**

THIS MOTION made by the Applicants for an Order, *inter alia*: (i) extending the Stay Period as defined in paragraph 10 of the Amended and Restated Initial Order entered December 2, 2022 ("Initial Order") to and including October 2, 2023; (ii) approving the Third Report of the Monitor, Alvarez & Marsal Canada Inc. ("A&M"), dated July 31, 2023 ("Third Report") in its capacity as Monitor of the Applicants ("Monitor") and the activities, actions, and conduct described therein; (iii) approving the professional fees of the Monitor, the Monitor's legal counsel and Applicants' legal counsel, as set out in the Third Report; (iv) authorizing the Applicants to execute the Second Amendment to the Interim Financing Sheet (the "Second Amendment"); and (v) such further and other relief

as to this Honourable Court may deem just was heard this day at Winnipeg, in the Province of Manitoba.

ON READING the Affidavit of Keith McConnell sworn November 28, 2022, the Pre-Filing Report of A&M dated November 29, 2022, the First Report of A&M dated January 20, 2023, the Second Report dated April 18, 2023, the Second Confidential Supplement, the Third Report dated July 31, 2023, and on hearing the submissions of counsel for the Applicants, counsel for the Monitor, and counsel for Canadian Imperial Bank of Commerce (“CIBC”), no one appearing for any other party although duly served as appears from the Affidavit of Service of Michelle Loftus affirmed August 1, 2023, the Affidavit of Service of Michelle Loftus affirmed August 2, 2023 and the Affidavit of Service of Craig Frith sworn August 1, 2023:

Service

1. THIS COURT ORDERS that the time for service of the Notice of Motion and the supporting materials is hereby abridged and validated so that the motion is properly returnable today and hereby dispenses with further service thereof.

Stay Extension

2. THIS COURT ORDERS that the Stay Period is hereby extended until and including October 2, 2023.

Monitor's Activities and Related Matters

3. THIS COURT ORDERS that the Third Report and the activities, actions, and conduct as described therein are hereby approved.

4. THIS COURT ORDERS that the professional fees and disbursements of the Monitor, its legal counsel, McDougall Gauley LLP and Applicants' legal counsel, Taylor McCaffrey LLP, as set out in the Third Report, are hereby approved.

5. THIS COURT ORDERS that the extension of the maturity date of the Interim Financing Facility is approved and the Applicants are authorized to execute the Second Amendment.

Date:

Kroft, J.

I, CHARLES ROY, of the firm of Taylor McCaffrey LLP, hereby certify that I have received the consents as to form of the following parties:

J.J. Burnell of MLT Aikins LLP, counsel for CIBC
Ian Sutherland, K.C. of McDougall Gauley LLP, counsel for the Monitor

As directed by the Honourable Mr. Justice Kroft.

File No. CI 22-01-38613

THE KING'S BENCH
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IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

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(the "Applicants")

APPLICATION UNDER: THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C., c. C-36, AS AMENDED

**AFFIDAVIT OF SERVICE OF
MICHELLE LOFTUS**

TAYLOR McCAFFREY LLP
Barristers and Solicitors
2200 – 201 Portage Avenue
Winnipeg, Manitoba
R3B 3L3

Douglas E. Finkbeiner, K.C./Ph. 204-988-0414
David R.M. Jackson/Ph. 204-988-0375
Charles Roy/Ph. 204-988-0472
Fax No. 204-957-0945

Client File No. 1102-154

THE KING'S BENCH
WINNIPEG CENTRE

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

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(the "Applicants")

APPLICATION UNDER: THE *COMPANIES' CREDITORS*
ARRANGEMENT ACT, R.S.C., c. C-36, AS AMENDED

AFFIDAVIT OF SERVICE

I, Michelle Loftus, of the City of Winnipeg, in the Province of
Manitoba, Legal Assistant,

MAKE OATH AND SAY THAT:

1. I am a Legal Assistant employed by the law firm of Taylor McCaffrey LLP, solicitors for the Applicants herein, and as such have personal knowledge of the facts and matters hereinafter deposed to by me except where stated to be based upon information and belief and in those I do verily believe.
2. I am advised by Charles Roy, counsel for the Applicants, and do verily believe that, in compliance with the Service List, counsel for the Monitor, Craig Firth, served the Notice of Motion returnable Wednesday, August 2, 2023 at 10:00 a.m., the Motion Brief of the Applicant and the Third Report of the

Monitor on Dr. Daljit Gill by e-mail to umgillds@gmail.com on Tuesday, August 1, 2023.

3. Attached hereto and marked as Exhibit "1" to this my Affidavit is a copy of the email serving same with the time and date sent.

4. I make this Affidavit *bona fide*.

AFFIRMED BEFORE ME at the City of)
Winnipeg, in the Province of Manitoba,)
this 2nd day of August, 2023.)

Madlyn Mendt
A Commissioner for Oaths in and
for the Province of Manitoba

Michelle Loftus
MICHELLE LOFTUS

My Commission Expires: April 4, 2025

This is **Exhibit "1"** to the Affidavit
of Michelle Loftus affirmed
before me at Winnipeg, Manitoba,
in the Province of Manitoba

Crystal M. Menzies

A Commissioner for Oaths in and for
the Province of Manitoba.

My Commission Expires: *April 4, 2025*

Roy, Charles

From: Frith, Craig <cfrith@mcdougallgauley.com>
Sent: Tuesday, August 1, 2023 5:30 PM
To: 'umgillds@gmail.com'
Cc: Roy, Charles
Subject: FW: RE: Manitoba Clinic CCAA - King's Bench File No. CI 22-01-38613 - August 2, 2023
Attachments: 2023-07-28 Notice of Motion - August 2, 2023 Hearing.PDF; MB Clinic Third Report (final) w append.pdf; 2023-08-01 Motion Brief of the Applicants.PDF

Categories: In CW, #1102 : 154 : 2020 Financing with CIBC

[EXTERNAL]

Hi Dr. Gill,

We are advised by PKF Lawyers that they no longer represent you and that we are to serve court materials directly.

Please find attached the applicants' notice of motion and brief, along with the third report of the Monitor. These materials are with respect to a motion returnable tomorrow at 10:00 a.m.

Contact the undersigned if anything is not clearly received.

Regards,

Craig Frith

cfrith@mcdougallgauley.com T: 306-665-5432 F: 306-664-4431

MCDUGALL GAULEY LLP BARRISTERS + SOLICITORS

500-616 Main Street, Saskatoon SK S7H 0J6
www.mcdougallgauley.com

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From: Frith, Craig

Sent: August 1, 2023 10:08 AM

To: Keith McConnell - Manitoba Clinic (kmccconnell@manitobaclinic.ca) <kmccconnell@manitobaclinic.ca>; Jackson, David <djackson@tmlawyers.com>; 'Finkbeiner, Doug' <dfinkbeiner@tmlawyers.com>; Roy, Charles <CRoy@tmlawyers.com>; 'JJ Burnell' <JBurnell@mltaikins.com>; 'asandhu@mltaikins.com' <asandhu@mltaikins.com>; SUTHERLAND, Ian <isutherland@mcdougallgauley.com>; 'shelley.haner@gov.mb.ca' <shelley.haner@gov.mb.ca>; 'timothy.doyle@justice.gc.ca' <timothy.doyle@justice.gc.ca>; 'sales@barikmedical.com' <sales@barikmedical.com>; 'Andrew Swan' <aswan@doctorsmanitoba.ca>; 'tharwoodjones@pkflawyers.com' <tharwoodjones@pkflawyers.com>; 'harper6321@gmail.com' <harper6321@gmail.com>; Anniko, Kalev <kanniko@FillmoreRiley.com>; 'carmenlane@gmail.com' <carmenlane@gmail.com>; 'jaiello@palaw.law' <jaiello@palaw.law>; 'Arad Mojtahedi (he/him)' <arad.mojtahedi@nortonrosefulbright.com>; Paul Prosterman (he/him) <paul.prosterman@nortonrosefulbright.com>

Subject: RE: Manitoba Clinic CCAA - King's Bench File No. CI 22-01-38613 - August 2, 2023

TO: the Members of the Service List

Please find attached for service the Third Report of the Monitor in support of the applicants' notice of motion returnable August 2, 2023 at 10:00 a.m.

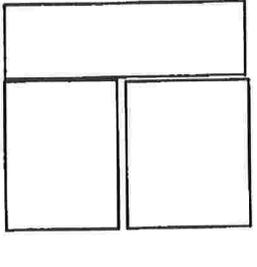
Contact the undersigned if anything is not clearly received.

Regards,

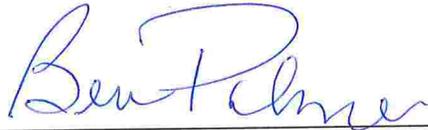
Craig Frith

cfrith@mcdougallgauley.com T: 306-665-5432 F: 306-664-4431

500-616 Main Street, Saskatoon SK S7H 0J6
www.mcdougallgauley.com



This is **Exhibit "B"** to the Affidavit
of Michelle Loftus affirmed
before me at Winnipeg, Manitoba,
in the Province of Manitoba on
the 22nd day of September, 2023.



A Commissioner for Oaths in and for
the Province of Manitoba.

My Commission Expires: August 16, 2025,

**THE KING'S BENCH
Winnipeg Centre**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, RSC
1985, c C-36, as amended

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
MANITOBA CLINIC MEDICAL CORPORATION AND THE MANITOBA CLINIC
HOLDING CO. LTD.

AFFIDAVIT OF SERVICE

AFFIRMED: August 4, 2023

**McDougall Gauley LLP
500 616 Main Street
Saskatoon SK S7J 0H6**

**IAN A. SUTHERLAND, K.C. / CRAIG FRITH
PHONE: (306) 665-5417 / (306) 665-5432
FAX: (306) 664-4431
FILE NO. 549268.11**

**THE QUEEN'S BENCH
Winnipeg Centre**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, RSC
1985, c C-36, as amended

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
MANITOBA CLINIC MEDICAL CORPORATION AND THE MANITOBA CLINIC
HOLDING CO. LTD.

**AFFIDAVIT OF SERVICE
(PERSONAL SERVICE)**

I, CRAIG FRITH, of the City of Saskatoon, in the Province of Saskatchewan

MAKE OATH AND SAY:

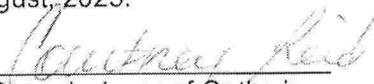
1. I am a lawyer with McDougall Gauley LLP, counsel to the court-appointed monitor, Alvarez & Marsal Canada Inc. (the "**Monitor**"), in these proceedings, and as such, I have personal knowledge of the facts and matters hereinafter deposed, except where stated to be based upon information and belief, and where so stated, I verily believe the same to be true.

2. On Monday, August 1, 2023, I served Dr. Daljit Gill with the Applicants' Notice of Motion dated July 31, 2023, the Third Report of the Monitor dated July 31, 2023, and the Applicants' Motion Brief dated August 1, 2023, copies of which are already on the court file.

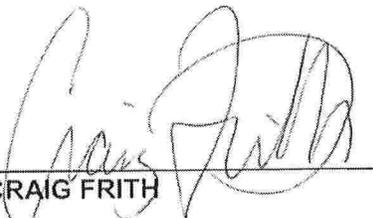
3. Attached as Exhibit "**A**" is a copy of the sent email confirming service of the documents.

4. I swear this affidavit for the purposes of proving electronic service of the Second Report and Brief of Law pursuant to paragraph 46 of the Amended and Restated Initial Order, and on the basis that the matters deposed herein are uncontroverted.

SWORN BEFORE ME at the City)
of Saskatoon, in the Province of)
Saskatchewan, this 4th day of)
August, 2023.)



A Commissioner of Oaths in
and for the Province of Saskatchewan,
My commission expires March 31, 2026



CRAIG FRITH

Reid, Courtney

From: Frith, Craig
Sent: August-01-23 4:30 PM
To: 'umgillds@gmail.com'
Cc: 'Roy, Charles'
Subject: FW: RE: Manitoba Clinic CCAA - King's Bench File No. CI 22-01-38613 - August 2, 2023
Attachments: 2023-07-28 Notice of Motion - August 2, 2023 Hearing.PDF; MB Clinic Third Report (final) w append.pdf; 2023-08-01 Motion Brief of the Applicants.PDF

Hi Dr. Gill,

We are advised by PKF Lawyers that they no longer represent you and that we are to serve court materials directly.

Please find attached the applicants' notice of motion and brief, along with the third report of the Monitor. These materials are with respect to a motion returnable tomorrow at 10:00 a.m.

Contact the undersigned if anything is not clearly received.

Regards,

Craig Frith

cfri@mcDougallGauley.com T: 306-655-5432 F: 306-654-4431

McDOUGALL GAULEY LLP BARRISTERS & SOLICITORS

500-816 Main Street, Saskatoon SK S7H 0J6
www.mcdougallgauley.com

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THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT OF CRAIG FRITH MADE IN THIS ACTION AND SWORN BEFORE ME THIS 4th DAY OF AUGUST 2023.


A COMMISSIONER FOR OATHS
for the Province of Saskatchewan
My Appointment Expires: MARCH 31, 2026
OR Being a Solicitor.

From: Frith, Craig

Sent: August 1, 2023 10:08 AM

To: Keith McConnell - Manitoba Clinic (kmccconnell@manitobaclinic.ca) <kmccconnell@manitobaclinic.ca>; Jackson, David <djackson@tmlawyers.com>; 'Finkbeiner, Doug' <dfinkbeiner@tmlawyers.com>; Roy, Charles <CRoy@tmlawyers.com>; 'JJ Burnell' <JBurnell@mltaikins.com>; 'asandhu@mltaikins.com' <asandhu@mltaikins.com>; SUTHERLAND, Ian <isutherland@mcdougallgauley.com>; 'shelley.haner@gov.mb.ca' <shelley.haner@gov.mb.ca>; 'timothy.doyle@justice.gc.ca' <timothy.doyle@justice.gc.ca>; 'sales@barikmedical.com' <sales@barikmedical.com>; 'Andrew Swan' <aswan@doctorsmanitoba.ca>; 'tharwoodjones@pkflawyers.com' <tharwoodjones@pkflawyers.com>; 'harper6321@gmail.com' <harper6321@gmail.com>; Anniko, Kalev <kanniko@FillmoreRiley.com>; 'carmenlane@gmail.com' <carmenlane@gmail.com>; 'jaiello@palaw.law' <jaiello@palaw.law>; 'Arad Mojtahedi (he/him)' <arad.mojtahedi@nortonrosefulbright.com>; Paul Prosterman (he/him) <paul.prosterman@nortonrosefulbright.com>

Subject: RE: Manitoba Clinic CCAA - King's Bench File No. CI 22-01-38613 - August 2, 2023

TO: the Members of the Service List

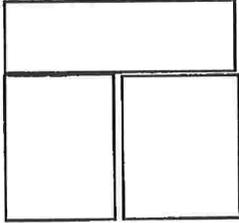
Please find attached for service the Third Report of the Monitor in support of the applicants' notice of motion returnable August 2, 2023 at 10:00 a.m.

Contact the undersigned if anything is not clearly received.

Regards,

Craig Frith

cfrith@mcdougallgauley.com T: 306-665-5432 F: 306-664-4431



500-616 Main Street, Saskatoon SK S7H 0J6
www.mcdougallgauley.com



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