

**U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:21-cv-01329-MTS**

Missouri, State of et al v. Biden et al
Assigned to: District Judge Matthew T. Schelp
Cause: 05:551 Administrative Procedure Act

Date Filed: 11/10/2021
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

Missouri, State of

represented by **Jesus Armando Osete**
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Plaintiff

Nebraska, State of

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James A. Campbell
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Plaintiff

Arkansas, State of

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Plaintiff

Kansas, State of

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Plaintiff

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Plaintiff

Wyoming, State of

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James A. Campbell
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Plaintiff

Alaska, State of

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Plaintiff

South Dakota, State of

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Dean John Sauer
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James A. Campbell
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Plaintiff

North Dakota, State of

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Dean John Sauer
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James A. Campbell
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Plaintiff

New Hampshire, State of

represented by **Jesus Armando Osete**
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Dean John Sauer
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James A. Campbell
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ATTORNEY TO BE NOTICED

V.

Defendant

Joseph R. Biden, Jr.
in his official capacity as the
President of the United States of
America

represented by **Joel L. McElvain**
US DEPARTMENT OF JUSTICE -
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Defendant

United States of America

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Julie Straus Harris
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LEAD ATTORNEY
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Jonathan D Kossak
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ATTORNEY TO BE NOTICED

Michael Drezner
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Department of
Health and Human Services**

represented by **Joel L. McElvain**
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Julie Straus Harris
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Jonathan D Kossak
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Michael Drezner
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Defendant

Xavier Becerra
*in his official capacity as Secretary
of the United States Department of
Health and Human Services*

represented by **Joel L. McElvain**
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LEAD ATTORNEY
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Julie Straus Harris
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Jonathan D Kossak
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ATTORNEY TO BE NOTICED

Michael Drezner
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Centers for Medicare and
Medicaid Services**

represented by **Joel L. McElvain**
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Julie Straus Harris

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Jonathan D Kossak
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Michael Drezner
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Defendant

Chiquita Brooks-LaSure
in her official capacity as
Administrator for the Centers for
Medicare and Medicaid Services

represented by **Joel L. McElvain**
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Julie Straus Harris
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Jonathan D Kossak
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ATTORNEY TO BE NOTICED

Michael Drezner
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ATTORNEY TO BE NOTICED

Defendant

Meena Seshamani
in her official capacity as Deputy
Administrator and Director of
Center for Medicare

represented by **Joel L. McElvain**
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Julie Straus Harris
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LEAD ATTORNEY
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Jonathan D Kossak
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ATTORNEY TO BE NOTICED

Michael Drezner
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ATTORNEY TO BE NOTICED

Defendant

Daniel Tsai
*in his official capacity as Deputy
Administrator and Director of
Center for Medicaid and CHIP
Services*

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Julie Straus Harris
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Jonathan D Kossak
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Michael Drezner
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Interested Party

**Reliant Care Management
Company, L.L.C.**
Reliant Care Management
Company, L.L.C.
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United Sta
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/10/2021	<u>1</u>	COMPLAINT against defendant All Defendants with receipt number AMOEDC-8970485, in the amount of \$402 Non-Jury Demand,, filed by Alaska, State of, Nebraska, State of, Missouri, State of, Wyoming, State of, Arkansas, State of, North Dakota, State of, South Dakota, State of, Kansas, State of, New Hampshire, State of, Iowa, State of. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Original

		Filing Form , # 3 Summons - Joseph R. Biden, Jr., # 4 Summons - USA, # 5 Summons - U.S. Departemnt of Health and Human Services, # 6 Summons - Xavier Becerra, # 7 Summons - Centers for Medicare and Medicaid Services, # 8 Summons - Chiquita Brooks-LaSure, # 9 Summons - Meena Seshamani, # 10 Summons - Daniel Tsai)(Osete, Jesus) (Additional attachment(s) added on 11/10/2021: # 11 Summons AG, # 12 Summons AUSA) (BAK). (Entered: 11/10/2021)
11/10/2021		Case Opening Notification. Judge Assigned: U.S. Magistrate Judge Shirley P. Mensah. 10 Summons(es) issued and emailed to attorney Jesus Armando Osete. All parties must file the Notice Regarding Magistrate Judge Jurisdiction Form consenting to or opting out of the Magistrate Judge jurisdiction. Click here for the instructions. (BAK) (Entered: 11/10/2021)
11/10/2021	2	Pursuant to Local Rule 2.08, the assigned/referred magistrate judge is designated and authorized by the court to exercise full authority in this assigned/referred action or matter under 28 U.S.C. Sec. 636 and 18 U.S.C Sec. 3401, including any case budgeting matters. (Potter, Jacob) (Entered: 11/10/2021)
11/12/2021	3	AFFIDAVIT OF SERVICE OF PROCESS by Plaintiff Missouri, State of. (Osete, Jesus) (Entered: 11/12/2021)
11/12/2021	4	ENTRY of Appearance by Madison McMillian Green for Plaintiff Missouri, State of. (Green, Madison) (Entered: 11/12/2021)
11/12/2021	5	CJRA ORDER (GJL). Magistrate Judge Shirley Padmore Mensah termed. Case reassigned to District Judge Matthew T. Schelp for all further proceedings. (JEB) (Entered: 11/12/2021)
11/12/2021	6	MOTION for Preliminary Injunction by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Osete, Jesus) (Entered: 11/12/2021)
11/12/2021	7	MOTION to Expedite <i>Briefing and Consideration of Motion for Preliminary Injunction</i> by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Osete, Jesus) (Entered: 11/12/2021)
11/12/2021	8	MOTION for Leave to Exceed the Page Limit for their Memorandum in Support of their Motion for Preliminary Injunction

		by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Osete, Jesus) (Entered: 11/12/2021)
11/12/2021	9	MEMORANDUM in Support of Motion re 6 MOTION for Preliminary Injunction filed by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Exhibit X, # 25 Exhibit Y, # 26 Exhibit Z, # 27 Exhibit AA, # 28 Exhibit BB, # 29 Exhibit CC, # 30 Exhibit DD)(Osete, Jesus) (Entered: 11/12/2021)
11/15/2021	10	AFFIDAVIT OF SERVICE OF PROCESS by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Osete, Jesus) (Entered: 11/15/2021)
11/15/2021	11	ENTRY of Appearance by Samuel Paul Langholz for Plaintiff Iowa, State of. (Langholz, Samuel) (Entered: 11/15/2021)
11/16/2021	12	ENTRY of Appearance by Kurtis K. Wiard for Plaintiff Kansas, State of. (Wiard, Kurtis) (Entered: 11/16/2021)
11/16/2021	13	ENTRY of Appearance by Dean John Sauer for Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Sauer, Dean) (Entered: 11/16/2021)
11/16/2021	14	ENTRY of Appearance by Joel L. McElvain for Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (McElvain, Joel) (Entered: 11/16/2021)
11/16/2021	15	MEMORANDUM in Opposition re 7 MOTION to Expedite Briefing and Consideration of Motion for Preliminary

		<i>Injunction</i> filed by Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (McElvain, Joel) (Entered: 11/16/2021)
11/17/2021	16	RESPONSE to Motion re 7 MOTION to Expedite <i>Briefing and Consideration of Motion for Preliminary Injunction</i> filed by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Attachments: # 1 Exhibit A)(Osete, Jesus) (Entered: 11/17/2021)
11/17/2021	17	ENTRY of Appearance by James A. Campbell for Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Campbell, James) (Entered: 11/17/2021)
11/17/2021	18	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Matthew T. Schelp: Attorneys Only Scheduling Conference held on 11/17/2021 via Zoom. Scheduling Order to follow. (proceedings started: 12:00 PM) (proceedings ended: 12:15 PM) (Appearance for Plaintiff: Dean John Sauer, Jesus Osete, James Cambell)(Appearance for Defendant: Joel McElvain) (BRP) (Entered: 11/17/2021)
11/17/2021	19	ORDER: IT IS HEREBY ORDERED that Plaintiffs' Motion to Expedite Briefing, Doc. 7 , is GRANTED in part. Defendants shall file their response to Plaintiffs' Motion for Preliminary Injunction by 10:00 a.m. CST on Monday, November 22, 2021. IT IS FURTHER ORDERED that Plaintiffs shall file any reply by 5:00 p.m. CST on Tuesday, November 23, 2021. IT IS FURTHER ORDERED that Plaintiffs' Motion for Leave to Exceed Page Limit, Doc. 8 , is GRANTED. IT IS FINALLY ORDERED that Defendants are given leave to file in excess of page limitation up to fifty-five pages for their response, and Plaintiffs are given leave to file in excess of page limitation up to twenty pages for their reply. (Response to Court due by 11/22/2021.) Signed by District Judge Matthew T. Schelp on 11/17/2021. (TMT) (Entered: 11/17/2021)
11/21/2021	20	Consent MOTION for Leave to File Amicus Curiae Brief by Interested Party Reliant Care Management Company, L.L.C.. (Attachments: # 1 Exhibit Exhibit A: Proposed Amicus Curiae Brief)(Kinser, Jason) (Entered: 11/21/2021)

11/21/2021	21	ENTRY of Appearance by Michael Drezner for Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (Drezner, Michael) (Entered: 11/21/2021)
11/22/2021	22	ENTRY of Appearance by Julie Straus Harris for Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (Straus Harris, Julie) (Entered: 11/22/2021)
11/22/2021	23	RESPONSE in Opposition re 6 MOTION for Preliminary Injunction filed by Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (McElvain, Joel) (Entered: 11/22/2021)
11/22/2021	24	ENTRY of Appearance by Jonathan D Kossak for Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (Kossak, Jonathan) (Entered: 11/22/2021)
11/23/2021	25	Docket Text ORDER: IT IS HEREBY ORDERED that the Motion for Leave To File Amicus Curiae Brief, filed by Reliant Care Management Company, Doc. 20 , is GRANTED. Signed by District Judge Matthew T. Schelp on 11/23/2021. (TMT) (Entered: 11/23/2021)
11/23/2021	26	BRIEF OF RELIANT CARE MANAGEMENT COMPANY, L.L.C. AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION by Interested Party Reliant Care Management Company, L.L.C. (TMT) (Entered: 11/23/2021)
11/23/2021	27	REPLY to Response to Motion re 6 MOTION for Preliminary Injunction filed by Plaintiffs Alaska, State of, Arkansas, State of, Iowa, State of, Kansas, State of, Missouri, State of, Nebraska, State of, New Hampshire, State of, North Dakota, State of, South Dakota, State of, Wyoming, State of. (Osete, Jesus) (Entered: 11/23/2021)

11/29/2021	28	<p>MEMORANDUM AND ORDER: [SEE ORDER FOR COMPLETE DETAILS] For the foregoing reasons, Plaintiffs' Motion for Preliminary Injunction, Doc. 6, is GRANTED. Accordingly, IT IS HEREBY ORDERED that Defendants are preliminarily enjoined from the implementation and enforcement of 86 Fed. Reg. 61,555 (Nov. 5, 2021), the Interim Final Rule with Comment Period entitled Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination, against any and all Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming pending a trial on the merits of this action or until further order of this Court. Defendants shall immediately cease all implementation or enforcement of the Interim Final Rule with Comment Period as to any Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming. IT IS FURTHER ORDERED that no security bond shall be required under Federal Rule of Civil Procedure 65(c). Signed by District Judge Matthew T. Schelp on 11/29/2021. (TMT) (Entered: 11/29/2021)</p>
11/30/2021	29	<p>NOTICE OF APPEAL as to 28 Memorandum & Order,,,, by Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (Entered: 11/30/2021)</p>
11/30/2021	30	<p>MOTION to Stay re 28 Memorandum & Order,,,, <i>Motion for a Stay Pending Appeal</i> by Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. (McElvain, Joel) (Entered: 11/30/2021)</p>
11/30/2021	31	<p>MEMORANDUM in Support of Motion re 30 MOTION to Stay re 28 Memorandum & Order,,,, <i>Motion for a Stay Pending Appeal</i> filed by Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department</p>

		of Health and Human Services, United States of America. (McElvain, Joel) (Entered: 11/30/2021)
11/30/2021	32	Initial Notification from USCA for 29 Notice of Appeal, filed by Centers for Medicare and Medicaid Services, United States of America, Joseph R. Biden, Jr., Chiquita Brooks-LaSure, United States Department of Health and Human Services, Xavier Becerra, Meena Seshamani, Daniel Tsai USCA Appeal Number: 21-3725. (KCD) (Entered: 11/30/2021)
11/30/2021	33	Briefing Schedule from USCA for 29 Notice of Appeal, filed by Centers for Medicare and Medicaid Services, United States of America, Joseph R. Biden, Jr., Chiquita Brooks-LaSure, United States Department of Health and Human Services, Xavier Becerra, Meena Seshamani, Daniel Tsai USCA Appeal Number: 21-3725 (See attached document for all other deadlines.)(KCD) (Entered: 11/30/2021)
11/30/2021	34	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding 28 Memorandum & Order,,,,. Notice of Appeal filed on 11/30/2021 by Defendants Xavier Becerra, Joseph R. Biden, Jr, Chiquita Brooks-LaSure, Centers for Medicare and Medicaid Services, Meena Seshamani, Daniel Tsai, United States Department of Health and Human Services, United States of America. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE.(JKL) (Entered: 11/30/2021)
12/01/2021	35	MEMORANDUM AND ORDER : IT IS HEREBY ORDERED that Defendants' Motion to Stay Pending Appeal, doc. 30 , is DENIED. Signed by District Judge Matthew T. Schelp on 12/01/2021. (KCD) (Entered: 12/01/2021)
12/02/2021	36	ORDER of USCA as to 29 Notice of Appeal, filed by Centers for Medicare and Medicaid Services, United States of America, Joseph R. Biden, Jr., Chiquita Brooks-LaSure, United States Department of Health and Human Services, Xavier Becerra, Meena Seshamani, Daniel Tsai USCA Appeal #: 21-3725 - Appellees are directed to provide an expedited response to Appellants' Emergency Motion for Stay Pending Appeal by Wednesday, December 8, 2021. (TMT) (Entered: 12/02/2021)

PACER Service Center

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12/06/2021 16:11:07

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