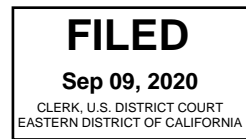


UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION



**IN RE: BOSTON SCIENTIFIC CORP. PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION**

MDL No. 2326

(SEE ATTACHED SCHEDULE)

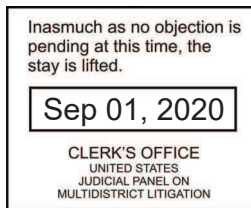
CONDITIONAL REMAND ORDER

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

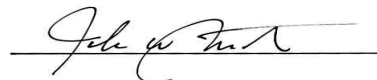
IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.



FOR THE PANEL:



John W. Nichols
Clerk of the Panel

**IN RE: BOSTON SCIENTIFIC CORP. PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION**

MDL No. 2326

SCHEDULE FOR CRO

TRANSFeree			TRANSFEROR			<u>CASE CAPTION</u>
<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	
WVS	2	14-17998	ARW	5	14-05090	Cline et al v. Boston Scientific Corporation
WVS	2	12-01006	CAE	2	12-00701	Rosas v. Boston Scientific Corporation
WVS	2	15-02094	LAE	2	15-00431	Richard v. Boston Scientific Corporation
WVS	2	12-05179	MSS	4	12-00136	Henry v. Boston Scientific et al
WVS	2	18-00297	TNW	1	18-02054	Rogers v. Boston Scientific Corporation et al

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO CASES
IDENTIFIED ON EXHIBIT A

ORDER AND SUGGESTION OF REMAND

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that the cases on Exhibit A be remanded to the United States District Courts from which they came, as identified on Exhibit A. The cases were transferred by the Judicial Panel on Multidistrict Litigation (“JPML”) and are related to MDL 2326 (“BSC MDL”), 2:12-md-2326, one of seven MDLs assigned to me by the JPML. The seven MDLs combined totaled over 100,000 cases since inception.

Of the approximately 26,085 cases originally filed in or transferred to the BSC MDL, 158 remain. Of the remaining 158 cases, 5 are listed on Exhibit A and are ready to be remanded to the jurisdictions from which they came. In particular, the time to conduct discovery is complete in the cases on Exhibit A, and the parties have had time to file dispositive and *Daubert* motions, responses and replies. For the convenience of the parties and in order to promote the final resolution of these cases, it appears to the court that the cases would be more expeditiously concluded in the venues from which they arise. *Upon remand, I urge the receiving court to immediately set these cases for trial without reopening discovery. Further discovery will only*

result in unjust delay. Extensive development of these cases over a period of years has made such further action completely unnecessary.

On or before **August 28, 2020 (7 days from the date of this order)**, the parties are **ORDERED** to confer and to file *in their individual case*, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Defendant’s Motion for Summary Judgment).

The court **ORDERS** that upon receipt and filing of an order to remand from the Clerk of the JPML (hereinafter the “Transfer Date”), the Clerk of this court, pursuant to 28 U.S.C. § 1407, shall remand the cases to the jurisdictions identified on Exhibit A. If the cases remain pending on the Transfer Date, they must be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are advised that all Pretrial Orders entered in this matter are available for review on the court’s website at www.wvsc.uscourts.gov/MDL/boston/orders.html, and the master docket sheet can be found on this court’s CM/ECF at 2:12-md-2326. *Finally, the court advises the parties that while the docket of these individual cases will be remanded to the receiving court, it is the parties’ responsibility to follow the receiving court’s procedure for identifying any individual motions that remain pending and in need of ruling.*

On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract the cases on Exhibit A and remand them to the jurisdictions identified on Exhibit A. After remand of the cases, the Clerk is **DIRECTED** to formally dismiss the cases and strike them from the docket of this court.

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand and Exhibit A be filed in the cases on Exhibit A and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party.

ENTER: August 21, 2020

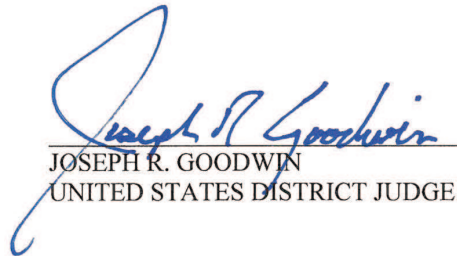

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A
Remands

	Civil Action	Case Style	Venue
1	2:12-cv-01006	Rosas v. Boston Scientific Corporation	Eastern District of California
2	2:12-cv-05179	Henry v. Boston Scientific et al	Southern District of Mississippi
3	2:14-cv-17998	Cline et al v. Boston Scientific Corporation	Western District of Arkansas
4	2:15-cv-02094	Richard v. Boston Scientific Corporation	Eastern District of Louisiana
5	2:18-cv-00297	Rogers v. Boston Scientific Corporation et al	Western District of Tennessee

Tina Smith

From: JPMLCMECF@jpml.uscourts.gov
Sent: Tuesday, September 1, 2020 8:23 AM
To: JPMLCMDECF
Subject: Activity in Case MDL No. 2326 IN RE: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation CRO Final Minute Order (Clerks)

Categories: Order for Docketing

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 9/1/2020 at 8:22 AM EDT and filed on 9/1/2020

Case Name: IN RE: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2326](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 9/1/20. Please see pleading (17 in ARW/5:14-cv-05090, 5 in CAE/2:12-cv-00701, 8 in LAE/2:15-cv-00431, [2802] in MDL No. 2326, 5 in MSS/4:12-cv-00136, 8 in TNW/1:18-cv-02054).

A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.

As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.

Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Rogers v. Boston Scientific Corporation et al
Case Number: [TNW/1:18-cv-02054](#)
Filer:
Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 9/1/20. Please see pleading (17 in ARW/5:14-cv-05090, 5 in CAE/2:12-cv-00701, 8 in LAE/2:15-cv-00431, [2802] in MDL No. 2326, 5 in MSS/4:12-cv-00136, 8 in TNW/1:18-cv-02054).

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Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

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Case Name: Richard v. Boston Scientific Corporation
Case Number: [LAE/2:15-cv-00431](#)
Filer:
Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

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Case Name: Henry v. Boston Scientific et al

Case Number: [MSS/4:12-cv-00136](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

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Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

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Case Name: Cline et al v. Boston Scientific Corporation

Case Number: [ARW/5:14-cv-05090](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 9/1/20. Please see pleading (17 in ARW/5:14-cv-05090, 5 in CAE/2:12-cv-00701, 8 in LAE/2:15-cv-00431, [2802] in MDL No. 2326, 5 in MSS/4:12-cv-00136, 8 in TNW/1:18-cv-02054).

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Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Rosas v. Boston Scientific Corporation

Case Number: [CAE/2:12-cv-00701](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

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Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

No public notice (electronic or otherwise) sent because the entry is private

Tina Smith

From: JPMLCMECF@jpml.uscourts.gov
Sent: Tuesday, September 1, 2020 8:21 AM
To: JPMLCMDECF
Subject: Activity in Case MDL No. 2326 IN RE: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

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United States

United States Judicial Panel on Multidistrict Litigation

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Case Name: IN RE: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2326](#)

Filer:

Document Number: [2802](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (15 in ARW/5:14-cv-05090, 3 in CAE/2:12-cv-00701, 6 in LAE/2:15-cv-00431, [2800] in MDL No. 2326, 3 in MSS/4:12-cv-00136, 6 in TNW/1:18-cv-02054)) - 5 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

(Attachments: # (1) Suggestion of Remand)

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Rogers v. Boston Scientific Corporation et al

Case Number: [TNW/1:18-cv-02054](#)

Filer:

Document Number: [8](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (15 in ARW/5:14-cv-05090, 3 in

CAE/2:12-cv-00701, 6 in LAE/2:15-cv-00431, [2800] in MDL No. 2326, 3 in MSS/4:12-cv-00136, 6 in TNW/1:18-cv-02054)) - 5 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Richard v. Boston Scientific Corporation

Case Number: [LAE/2:15-cv-00431](#)

Filer:

Document Number: [8](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (15 in ARW/5:14-cv-05090, 3 in CAE/2:12-cv-00701, 6 in LAE/2:15-cv-00431, [2800] in MDL No. 2326, 3 in MSS/4:12-cv-00136, 6 in TNW/1:18-cv-02054)) - 5 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Henry v. Boston Scientific et al

Case Number: [MSS/4:12-cv-00136](#)

Filer:

Document Number: [5](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (15 in ARW/5:14-cv-05090, 3 in CAE/2:12-cv-00701, 6 in LAE/2:15-cv-00431, [2800] in MDL No. 2326, 3 in MSS/4:12-cv-00136, 6 in TNW/1:18-cv-02054)) - 5 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Cline et al v. Boston Scientific Corporation

Case Number: [ARW/5:14-cv-05090](#)

Filer:

Document Number: [17](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (15 in ARW/5:14-cv-05090, 3 in CAE/2:12-cv-00701, 6 in LAE/2:15-cv-00431, [2800] in MDL No. 2326, 3 in MSS/4:12-cv-00136, 6 in TNW/1:18-cv-02054)) - 5 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 9/1/2020.

(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

Case Name: Rosas v. Boston Scientific Corporation

Case Number: [CAE/2:12-cv-00701](#)

Filer:

Document Number: [5](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (15 in ARW/5:14-cv-05090, 3 in CAE/2:12-cv-00701, 6 in LAE/2:15-cv-00431, [2800] in MDL No. 2326, 3 in MSS/4:12-cv-00136, 6 in TNW/1:18-cv-02054)) - 5 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2326, ARW/5:14-cv-05090, CAE/2:12-cv-00701, LAE/2:15-cv-00431, MSS/4:12-cv-00136, TNW/1:18-cv-02054 (CMD)

MDL No. 2326 Notice has been electronically mailed to:

Carl N Frankovitch carln@facslaw.com

Michael J. Farrell mjf@farrell3.com

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com, nthompson@fsblaw.com

Harry F Bell, Jr hfbell@belllaw.com

DAVID B. THOMAS dthomas@tcspllc.com, rdavis@tcspllc.com

Paul T. Farrell, Jr paul@farrell.law, lora@farrell.law

Marc E. Williams marc.williams@nelsonmullins.com

MDL No. 2326 Notice will not be electronically mailed to:

TNW/1:18-cv-02054 Notice has been electronically mailed to:

Jon A. Strongman jstrongman@shb.com, Records-BSC-Mesh-WSSUploads@shb.com, abyard@shb.com, reickbush@shb.com

Michael A. Tanenbaum mtanenbaum@tktrial.com

Isaac T. Conner iconner@mansonjohnsonlaw.com

James H. Keale jkeale@tktrial.com

TNW/1:18-cv-02054 Notice will not be electronically mailed to:

LAE/2:15-cv-00431 Notice has been electronically mailed to:

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com, nthompson@fsblaw.com

Jon A. Strongman jstrongman@shb.com, Records-BSC-Mesh-WSSUploads@shb.com, abyard@shb.com, reickbush@shb.com

Eric M. Anielak eanielak@shb.com

Charles Marshall Thomas charlie@huberslack.com

Michael A. Tanenbaum mtanenbaum@tktrial.com

James H. Keale jkeale@tktrial.com

Brian Patrick Marcelle bmarcelle@huberslack.com, brian@huberthomaslaw.com

LAE/2:15-cv-00431 Notice will not be electronically mailed to:

MSS/4:12-cv-00136 Notice has been electronically mailed to:

Richard B. North, Jr richard.north@nelsonmullins.com, Andrew.Rosenzweig@nelsonmullins.com, maria.turner@nelsonmullins.com, mark.nash@nelsonmullins.com, miche.boles@nelsonmullins.com

Christy D. Jones christy.jones@butlersnow.com, MDL200MotionFilings@butlersnow.com, MOMullan@RIKER.com, ashley.lampkin@butlersnow.com, brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com, kcrawford@riker.com, mkabbash@riker.com

Neville H. Boschert nboschert@joneswalker.com

Matthew D. Keenan mkeen@shb.com

Barbara R. Binis bbinis@reedsmith.com, kmccloskey@reedsmith.com

Shane F Langston shane@langstonlawyers.com

Michael J. Farrell mjf@farrell3.com

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com, nthompson@fsblaw.com

William M. Gage william.gage@butlersnow.com, ashley.lampkin@butlersnow.com, brenda.jones@butlersnow.com, brian.jackson@butlersnow.com, catherine.mason@butlersnow.com, david.johnson@butlersnow.com, diane.wigley@butlersnow.com, ecf.notices@butlersnow.com, jackie.johnson@butlersnow.com

Erik W. Legg EWL@farrell3.com

DAVID B. THOMAS dthomas@tcspllc.com, rdavis@tcspllc.com

Jon A. Strongman jstrongman@shb.com, Records-BSC-Mesh-WSSUploads@shb.com, abyard@shb.com, reickbush@shb.com

Rebecca McRae Langston rebecca@langstonlawyers.com

Jason L. Nabors jason@naborslawfirm.com, jason@langstonlawyers.com

Philip J. Combs pcombs@tcspllc.com

Marc E. Williams marc.williams@nelsonmullins.com

Bryan T. Pratt bpratt@shb.com, bsmith@shb.com

Kari L. Sutherland kari.sutherland@butlersnow.com

Susan M. Robinson srobinson@tcspllc.com

James H. Keale jkeale@tktrial.com

Robert Thomas Adams rtadams@shb.com, janderson@shb.com

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Kevin A. Crass crass@fridayfirm.com

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com, nthompson@fsblaw.com

Jon A. Strongman jstrongman@shb.com, Records-BSC-Mesh-WSSUploads@shb.com, abyard@shb.com, reickbush@shb.com

Michael A. Tanenbaum mtanenbaum@tktrial.com

Stephen Lance Cox lcox@coxfirm.com, chaddmason@aol.com, stephanie@coxfirm.com

G. Chadd Mason chaddmason@aol.com

Aimee Wagstaff aimee.wagstaff@andruswagstaff.com

James H. Keale jkeale@tktrial.com

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Christy D. Jones christy.jones@butlersnow.com, MDL200MotionFilings@butlersnow.com, MOMullan@RIKER.com, ashley.lampkin@butlersnow.com, brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com, kcrawford@riker.com, mkabbash@riker.com

William M. Gage william.gage@butlersnow.com, ashley.lampkin@butlersnow.com, brenda.jones@butlersnow.com, brian.jackson@butlersnow.com, catherine.mason@butlersnow.com, david.johnson@butlersnow.com, diane.wigley@butlersnow.com, ecf.notices@butlersnow.com, jackie.johnson@butlersnow.com

Eric H. Gibbs ehg@classlawgroup.com, 9141823420@filings.docketbird.com, ecf@classlawgroup.com

DAVID B. THOMAS dthomas@tcspllc.com, rdavis@tcspllc.com

Jon A. Strongman jstrongman@shb.com, Records-BSC-Mesh-WSSUploads@shb.com, abyard@shb.com, reickbush@shb.com

Philip J. Combs pcombs@tcspllc.com

Geoffrey A Munroe gam@classlawgroup.com

Kari L. Sutherland kari.sutherland@butlersnow.com

Susan M. Robinson srobinson@tcspllc.com

Caroline Dye Walker caroline.walker@butlersnow.com

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