EXHIBIT FF

Declaration of Timothy Oey
In Support of Plaintiff's Motion for Summary Adjudication
FreecycleSunnyvale v. The Freecycle Network
Case No. C06-00324 CW (filed Jan. 18, 2006)

From: "Deron Beal" <deron@freecycle.org>
To: "Tim Oey" <oey@post.harvard.edu>
Subject: Re: New CA NGA...
Date: Sun, 10 Apr 2005 19:19:10 -0700

Sorry to see you go as an NGA, glad to see you stay as a mod and look forward to hearing how else and when you'd like to be involved in what way down the road?

Thanks Tim. See you next week?

Deron

----- Original Message ---- From: "Tim Oey" <oey@post.harvard.edu>
To: "Paula Spencer" <lsdcostumer@yahoo.com>; "Irene Johnson" <johnsoni@pacbell.net>;
<robyn.nga@gmail.com>; <deron@freecycle.org>; <nancy@freecycle.org>; <Dustydeviatel@aol.com>
Sent: Saturday, April 09, 2005 1:36 PM
Subject: New CA NGA...

Hi Paula, Irene, et al,

OK, I'm ready to retire as the CA NGA. I've got too much to do and too little time. Moderating a single group is fun and easy. Approving new groups is too much work.

Do any of you have thoughts on good candidates for the CA NGA position? What is the NGA succession policy?

My volunteer ethic is usually to find my own replacement and help get them trained but I'm also willing to just toss them the ball if that's the preferred Freecycle method (I can toss them a few hundred emails on the current 30+ groups still outstanding in CA too).

Cheers, TIm

EXHIBIT GG

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Case No. C06-00324 CW (filed Jan. 18, 2006)

Tim Oey, 5/23/05 8:01 PM -0700, Re: Great News! We have new NGAs for NV, CA, GA,

Date: Mon, 23 May 2005 20:01:59 -0700

To: Irene CA <johnsoni@pacbell.net>, Kristina CA <kroberts123@verizon.net>

From: Tim Oey <oey@post.harvard.edu>

Subject: Re: Great News! We have new NGAs for NV, CA, GA, WI

Cc: Nancy Castleman <nancy@freecycle.org>,
 Amanda NGA Coordinator <nga@freecycle.org>

Irene & Kristina,

Congratulations and thanks! (My wife thanks you too)

Do you 2 want to start with a clean slate and just go off the pending group report or would you like 400 or so emails about groups that still are not approved?

Personally, I'd recommend starting with a clean slate and letting the moderator know that you've had to restart the process with them.

Cheers,

Tim

At 8:11 PM -0400 5/23/05, Nancy Castleman wrote:

What we have here, I'm thrilled to be able to report, are lots of people stepping up to the plate to help us approve new groups! Melissa in Nevada, Kristina and Irene in California (plus another mod to be announced), Kristine in Wisconsin, and TC in Georgia. Five new NGAs ... is that a pentfecta?

It's great that y'all are willing to take this on. My best tip is to focus only on new groups. I can't tell you how often NGAs have gotten themselves and the GOA people for their region (plus Deron and me a lot of the time) involved in situations we could just as well leave be for now. You'll certainly want to consult with local mods about potential overlaps, but if you come across a group with problems along your way, don't deal with it! Send it to the GOA!

We're going to set you up with NGA mentors, if you don't have them already, to help you get started and show you around the reports, database, and the rest of the NGA stuff, which will save you hours. I'll be back in touch, or you'll hear from Amanda, the NGA Coordinator at nga@freecycle.org.

Please join http://groups.yahoo.com/group/FreecycleNGAs -- the group that all NGAs are asked to join. It keeps you up-to-date on policy, changes, problems, updates, everything. It works a lot like the Freecycle ModSquad in that it makes available everything you need right at your fingertips.

In the meantime, I've pasted in below some guidelines from Deron that will help. You'll have the support of Amanda, the head NGA, who is terrific, as well as some 80 NGAs who have already blazed the trail for you, and can help you get going and learn the ropes. You can't be in better hands!

You'll have a lot of support, and get a chance to "meet" a lot of the most terrific people taking this movement up, up and away! I urge you to take full advantage of their willingness to help. Deron and I are always happy to step in when we can help, so feel free to contact us as well. Speaking of Deron, I've posted in some of his pearls below.

Welcome Aboard!

Nancy -- Deron's pearls follow

Group Guidelines

It was requested that I attempt to lay down some guidelines for groups. I know there are already some out there somewhere but here are some basics I can think of off hand.

1) ERSATZFRIEND. Each group must have ersatz as a co-owner. This was voted on by all group moderators worldwide in the freecyclemodsquad. The poll may be viewed under polls in that group. This rule was made

for several reasons: 1) as a way to delineate which is the official group in each area, 2) to enable the "main office" to help out a local mod if their own owner address is locked out of the group by

1

Yahoo (This does happen on occasion). 3) if an owner leaves and says "man, a group of ten people who never post is no fun" and the group grows to several hundred and there is no longer an owner, we can then step in and find a new owner. 4) Trust. We as an organization trust each local mod/owner to follow the basic rules. In turn, the local owner trusts

The Freecycle Network by adding in this address. Realize that e-mails to this address are never read and are deleted out automatically by a software program, so contacting it will not get a response. This address has never been used to "delete a group" or something evil. If we have a problem with a group, ersatzfriend is removed by us as a co-owner and the remaining owner is then asked to remove the freecycle name from their group.

2) Geographic Guidelines: The idea here is not to be a stickler but instead to leave all doors open for the smallest viable size. Freecycling is about community and if possible we want to leave every door open for as many local communities as possible to have their own group. We also want to limit driving time and use of fossil fuels as

much as possible which is totally compatible with "smallest viable size". That size is somewhere between 10,000 and 30,000 population in a town or area. 10,000 is probably a little low and 30,000 more than enough.

a) Regional groups are a no-no. Let's assume the area is sparsely populated. Why no regional group? In such cases I recommend that a central city or county serve as the hub. Name the group "Springfield City Group" and include the entire region in the intro paragraph. The idea is not to say there isn't a reason for larger area groups, but instead to leave the door open for later so that other groups can crop up in that area. If the group is called "Ohio Valley Freecycle" covering three counties, this leaves no room for new groups. If it is called Springfield and mentions the greater "Ohio Valley" area in the intro, Springfield won't have to change its name later to allow for other groups as the concept grows, but merely its intro paragraph: no big deal.

One regional group in Ohio was around a long time, never complained about all the city groups being set up in her region until there was no city left for her to shrink down to. When her regional group had really run its course, she got understandably ticked. This is what ultimately happens if they don't complain about cities being set up in their area.

b) Defer to existing group owner. What if a new group crops up in an existing larger group's area? In a pinch, I always defer to the existing group. What if the existing group is larger than the mentioned "smallest viable / optimum size"? For example, the Ohio Valley group already exits and there are 2-3 cities in that area which could serve as self-sustaining local groups and the regional group already has several hundred members. I notify the regional group owner that a) a new group has been set up in his/her area, b) Your area can easily sustain more local groups (see stats above), c) at some point you, existing group owner, will want to engineer a split of your group into 2-3 smaller group by towns of say 20,000 plus or so. d) you, existing owner, may accept or reject the new group as you please, but if you accept it, you'll need to start your split up now. If not, then I just tell the new smaller group, I'm sorry but there is already an exi

sting group for your area, why not offer your enthusiasm and help to them?

It is always better when the existing mods runs such a split up, hand picks skilled, experienced new local mods AND remains the owner of the new groups until he/she feels confident that the new mods can pick up the reins (a couple months)..

c) Can a county group be ok? Particularly in rural areas county groups can be just fine. In very rural areas they may even be the "Spring County group" and include a couple of surrounding counties in the intro paragraph. Here again, we want the group name to reflect the smallest viable group size. If the county only has 30,000 people and they are scattered all over the place, then this makes sense. 1) Does your county have at least two cities of 20,000-30,000 or more? Then a county group is probably not a good long-term solution because both of those

cities have a good shot at their own group at some point down the road as long as they are not right next door to each other geographically.

If a county does have the two or more such cities I always recommend they name the group after one of the cities and include the greater county and other city in their intro paragraph. This gives them exactly the same coverage geographically but leaves teh door open for the second city to start its own group some day.

Does the entire county have only one city of 20,000 plus? Then a county group is fine. Is that city in the center of the county? You may still want to name it after the city particularly if there is a

large city just over the county border in the next county to make clear a geographic separation with the other group. Then the outlying areas need to pick a city they want to joinn just like they need to pick which city they are going to drive to get groceries. No problems with that.

d) What about a county line issue? Let's say your town is springfield, and lancaster is across the county line. Springfield has 40,000 people, Lancaster is relatively small with 20,000 inhabitants. Maybe it could someday have it's own group but is not even close to that now. Or maybe not, doesn't matter. In this case a county group name would make no sense. It would make more sense to call the group Springfield Freecycle and should include "lancaster and logan and blah in our surrounding area" in the intro paragraph.

This way you give these folks a place to call home in your group, while leaving open the option for Lancaster or maybe even logan to have their own group someday.

3) One group per owner rule: It is asked that each group owner only own the group where they actually live. We ask this because you then know your local recycling contacts, can plan a local cafe meetup (and attend it), or local event which an "out-of-towner" really couldn't. This doesn't mean you can't be an occasional helper mod of a neighboring friend's group. For those larger groups orchestrating a split up we also strongly encourage the

old owner to be the owner of the new groups during the transition for a couple of months before passin on the reins.

REASONS: 1) Someone who lives in the area knows the area best.

- 2) Having someone local shows that the area is ready for a group
- 3) Prevents over-enthusiastic people from setting up lots of new groups but then becoming tired and later abandoning them
- 4) Prevents one person for damaging a large number of groups
- 5) Spreads the load so no one burns out

In addition we recommend that group owners have a backup owner and moderators in addition to ersatzfriend \dots .

EXHIBIT HH

From: "Nancy Castleman" <nancy@freecycle.org>

Date: Fri, 31 Dec 2004 01:17:31 -0000

Subject: [freecyclemodsquad] ADMIN: Group Outreach and Assistance Will Make the New Year Happy

Freecycle.org's Group Outreach and Assistance (GOA) team now has 20 terrific volunteer mods ready, willing, and able to help groups solve problems! They have official sounding addresses and can make your lives a lot easier.

Ask your regional GOA for help, mod to mod, if you:

- * Need someone to back you up -- say, in dealing with overlap issues in your state or a flame war in your group.
- * Hear about a problem with another group. Tell the appropriate GOA what you've heard (list below), and it's off your list.
- * Find yourself in a squabble with a nearby mod and don't know what to do about it. Your GOA will keep your confidence and help you think it through.
- * Need to pass your group on? If you decide you want out (or at least a nice, long vacation), tell your GOA. No guilt trips, s/he'll just help you pass the group on. Waaay better for Freecycle than deleting a group, which unfortunately has happened.

The GOA folks really know their stuff, and put in a lot of time "moderating their own groups *and* busting patootic solving problems across whole regions, working with mods and new group approvers (NGA's)," as Deron puts it. And here they are:

northeast@freecycle.org, Tami/Birmingham, Emily, Rose.ennui

central@freecycle.org, Judy/ShadowGraphics, Kelly, Val, Connie

south@freecycle.org, Michele/Miami, Dorothy, Stephanie, Traci-Dale, Elizabeth, Lori/VA

west@freecycle.org (includes southwest and US Pacific), Paula, Deanna, Deron, Ronald

canada@freecycle.org, Eric, Connie

international@freecycle.org, Eric

info@freecycle.org, Amanda, Amy -- here's where to send mere mortals
(i.e., the folks who aren't mods)

When you do have an issue, you can save the GOA folks a lot of time if you include a paragraph or two explaining the situation as you know it, your suggestions (if you have any), and the email addresses and urls of the people who are involved. We need to make life as easy as possible for these fine folks who find paths of resolution, take care of flame-ups, and deal with energy-draining hassles.

A Happy New Year's Toast to the GOAs! Nancy HudsonValleyFreecycle / ModSquad Co-Mod 1

EXHIBIT II

To: freecyclemodsquad@yahoogroups.com

From: "freecyclederon" <deron@freecycle.org>

Date: Mon, 10 Jan 2005 16:17:41 -0000

Subject: [freecyclemodsquad] ADMIN: interimmod@freecycle.org

Hey all,

Good news. With the help of several volunteers who are going way, way above and beyond the call of Freecycle commitment, we are finally starting to get caught up with Group Outreach and Assistance (GOA) team. The wave of work started with the dedication of all those New Group Approvers (NGA heros in their own right) helping get the new groups up and running smoothly.

Background: As new groups were approved by NGA's, lots of issues with existing groups came up, like groups without moderators, groups not linked to on freecycle.org that went way beyond what could reasonably be expected of the NGA's to "fix."

So, now the NGA's are doing awesome and the GOA team is finally reaching a size that can begin to keep up with the many calls for help out there.

As a result, the trailblazing first Group Outreach person from a few months back, Judy Ruzich, has agreed to trailblaze again.... (Judy basically puts in full-time plus hours doing GOA work and deserves a medal of elbow-grease honor). She is going to be the first interim moderator ever now.

Here's the deal: whenever a group gets "abandoned" by a moderator and ersatzfriend isn't a co-owner, a group is basically stuck with lots of members and no owner. New members often can't be approved, no moderation can be done, etc. There is nothing to do in such cases but set up a new parallel group to link to and then have the members transfer over. Other times a local owner decides to do their own thing and leaves the network with their whole group which also means we have to set up a whole new local Freecycle group.

Before, we just set it up and let it basically go until someone new came along and offered to mod. Now, Judy will set up the new groups for all such cases, she can actually also moderate these groups until we find a local mod and she'll take a huge load off of the other GOA members' plates.

So, if you know of any headless chicken groups out there, let judy know. Her new addy is InterimMod@freecycle.org.

Thanks to Judy.

Ciao, Deron

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EXHIBIT JJ



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Moderator FAQ

REQUIRED STUFF -- DOS AND DON'TS FOR FREECYCLE™ MODERATORS

Congratulations on becoming a Freecycle™ Moderator!

Since The Freecycle™ Network began in Tucson, Arizona, in May, 2003, the movement has circled the earth, and grown by over 2,200%. There are currently 1,623,885 members in more than 3,045 Freecycle™ groups. WOW!

FreecycleTM groups are running incredibly smoothly, peacefully, and successfully – keeping some 40 tons a day out of the landfills, thanks to you and to the many mods who have been working hard on FreecycleTM all along. Naturally, though, questions have been raised, problems encountered, and solutions found.

We're all part of an evolving organization, and **THE best way to keep track of what's going on is to join the Freecycle™ ModSquad**, where the owners and moderators of Freecycle™ groups help each other solve problems, debate policies as well as posts, and contend with issues as they arrise. (We joke around from time to time, too!)

The ModSquad's files and databases contain generic flyers for posting on bulletin boards and press release samples in the Files section that you can modify and send out to local newspapers. There's also a welcome kit for newbie mods as well as lots of other tidbits that'll help, including leads to many of the great people in The Freecycle Network $^{\text{TM}}$ who can help you out. You can join here: http://groups.yahoo.com/group/freecyclemodsquad/

For now, take a gander at these DOs and DON'Ts that all Freecycle $^{\text{TM}}$ moderators need to abide by:

DOs:

*** DO KEEP IT FREE, LEGAL, & APPROPRIATE FOR ALL AGES. This means, for example, no Alcohol, Tobacco, Firearms, or Drugs, legal or otherwise. Two strikes and you're outta the group. This is the main rule to live by and it's a pretty easy one to enforce.

*** IT IS STRONGLY ENCOURAGED THAT YOU MAKE SURE THAT YOU HAVE A BACKUP CO-OWNER OF SOME KIND LOCALLY. Either have someone not living in your own household locally be a co-owner or, organizationally, you may also use ersatzfriend@freecycle.org as a neutral backup co-owner -- write "AddErsatzfriend@freecycle.org" if you are interested in setting this up. This is not required but is encouraged. It can save us a lot of time and effort when there are problems that can't be solved locally. For example, someone may report your address to Yahoo, which has been known to respond by locking out owners. Or perhaps, as has happened in the past, owners leave their groups, and forget to include a forwarding address or appoint another person to be the owner. If we all have a backup co-owner, all local groups are protected.

Philosophically, the larger Freecycle concept is about letting go of ownership and the Yahoo phrase seems to imply local moderator ownership rather then viewing us all as stewards of something larger. By adding ersatzfriend as a neutral organizational co-owner, the local moderator is letting go of ownership to a larger nonprofit cause which has no owner and which has as its mission letting go of possessions to others. Again, this is not required.

RELATED TO HAVING GROUPS WITH NO REMAINING BACKUP OWNERS: REPLACEMENT GROUP POLICY The Interim Moderation Team (IMod) is called on when a local mods steps down and there is no new local mod or backup owner locally or when setting up a replacement group for deleted groups or for groups that have been removed from the network. Two co-owners are set up: ersatzfriend@freecycle.org (EF) and an interim moderator. This will enable us to have a backup owner with EF and the active Imod co-owner moderating the group while seeking a new local moderator to take over. After a period of at least three months after finding a new local moderator, when the interim moderator and the local moderator are both ready, the interim moderator will remove him/herself as coowner and promote the new local mod to co-owner. If the local co-owner wishes to keep EF as the backup co-owner at that time, it is the new local co-owner's business alone to decide this, just as with other groups as voted on in the poll above.

*** DO MAKE SURE THE GROUP IS SET UP SO THAT RESPONSES GO ONLY TO OFFERERS. It keeps down the sheer number of e-mails, and will make your life a lot easier. And encourage members to use the typical Freecycle $^{\scriptscriptstyle\mathsf{TM}}$ phrases in the subject line of their posts - e.g., OFFER, WANTED, and TAKEN.

*** DO INCLUDE THIS DISCLAIMER in your Files section and send it to members when they join your group:

"FREECYCLE™ NETWORK MEMBERS USE THE LIST AT THEIR OWN RISK. Please take reasonable measures to protect your safety and privacy when posting to the list or participating in an exchange. By joining the list, you agree to hold neither the list owners and moderators nor anyone affiliated with Freecycle.org responsible or liable for any circumstance resulting from a Freecycle™-related exchange or communication.

SAFETY. Be aware! It is up to each individual member of Freecycle $^{\text{\tiny TM}}$ when arranging for pickup of the item being given away to be appropriately aware of the potential

risk of having "a stranger" come to your home to pick something up. Freecycle™ as a listserv assumes no responsibility for this risk. If you, for example, are a single woman living alone, you may want to say that you'll leave the item on the front porch while you are not home or arrange for a drop-off downtown, etc."

*** DO STICK TO THE MODERATOR OATH OF HONOR AND FREECYCLE™ ETIQUETTE. ENCOURAGE MEMBERS TO DO LIKEWISE: "Be nice." As moderators, you want to want to encourage good manners in terms of scheduling pick-ups, and being punctual. (Leaving someone hanging is never a nice thing.)

Remember your pledge to be a really nice and patient person when moderating your new Freecycle™ group. You promised to use the Freecycle™ name only for your noncommercial Yahoo group. You agreed to remain open to input from members or the occasional democratic polling of your members, but to make the tough calls and decisions in order to spare the rest the long debates.

With great honor, you pledged to keep spam, ads and money-makers out of your group with the "two strikes, you're out" rule. And, finally, you promised to come clean of your pack-rat ways and clean out your own garage before asking the same of others.

*** DO LIVE WHERE YOUR GROUP IS LOCATED. We ask that moderators only have a group in an area they actually live in. You then know best the local recycling facilities, local Earth Day dates, local meet-up sites, local recycling nonprofits, etc.

DON'Ts

- *** DON'T ALLOW POLITICS, PROSELYTIZING, SPAM, MONEY, PERSONAL **ATTACKS OR RUDENESS**. Freecycle[™] policy is "two strikes & you're out," i.e. moderators are expected to unsubscribe members after two inappropriate postings.
- *** DON'T ALLOW THE ADVERTISING OF "FOR SALE" OR OTHER MONEY-RELATED SITES IN YOUR GROUP. Once someone starts planting the "try to sell it first" seed locally, it really changes the paradigm of what we are about. We are not for or against selling items. Instead, we simply have no ties whatsoever to it - be it mentioning other sites or asking for money or offering money.

We don't strive for personal gain first through encouraging people to try to sell items. We only encourage magnanimous giving with absolutely no strings attached. You may however choose to encourage members to go to local nonprofit trading or bartering organizations as an alternative – we tend to find that local barter groups are kindred spirits and, while not directly gifting, they are doing lots of good in their own way. With Freecycle™, though, there are no strings attached. Folks just give stuff away!

*** DON'T "FORBID" WANTED postings as a category from your main board for any period of time, be it a day or a weekend, etc. WANTEDs serve a valuable purpose, one that becomes clear when you meet the first appreciative recipient whose WANTED post you fulfilled. They remind potential givers of things they might be ready to let go of, and they *really* help local nonprofits ask for what they need

rather than having to take what they get. So reinforce how great OFFERs are, and instill in your members the importance of paying forward, but never put down WANTEDs. That's the juggling act we all have.

If you do this you'll find that with as your group grows, it will have as many or more OFFERs as WANTEDs - it's the nature of the beast. We bi-peds are indeed basically caring and giving with just a teensy bit of *positive* reinforcement. That's what we mods inject into the formula -- positive stuff.

"Inject negative karma into the group and ye shall receive unto yourself negative karma." (Someone famous said this at some point, or surely at least thought it). The beauty of our job is that it forces us to always respond in a non-confrontational, non-accusatory, positive, and respectful way. It's good training for the non e-World, too. And it's a great karma boost to boot.

You may find that it helps to limit the frequency of individual member WANTED posts, however, as well as the frequency with which members can post the same WANTED, say once a month or once every couple of weeks.

*** **DON'T FULLY MODERATE YOUR GROUP**. Full moderation of all posts is not allowed. Moderation of new member posts is fine – just remember to take the folks off moderation once they post correctly. Important: The moderation of troublemakers is highly advised.

Freecycle $^{\text{TM}}$ works best without full moderation. Empower your members to give directly to another bi-ped without moderator intervention, quickly, easily and enjoyably. Trust and empower the members directly as much as humanly possible and it'll pay out (forgive the metaphor) in spades when your group gets really big.

Why? Because by then all members will know and use the rules correctly. You have taught them to fish rather than giving them fish for a day, right? This is why we don't allow FULL moderation. It's like "Freecycle™ lite." It tastes kinda like The Freecycle™ Network, but doesn't pack that caffeinated punch, is slower, and more controlled. Be bold, trust, and educate members unless individuals give you a reason not to and moderate those individuals.

Moderating new members' first post or two gives you a chance to:

- -- Weed out spammers.
- -- Share a pointer or two about how to post, extravagant WANTEDs, etc.
- -- Tell folks that there's a Freecycle™ group closer to where they live.

If choosing the New Member moderation remember that when removing the 'moderated' status from your members to check 'Use Group Settings'. This allows you to still resort to Full Moderation in case of an extreme situation. If you have checked 'unmoderated' then those member will still be able to post to the group even in the case of a required Full Moderation.

*** DON'T BE A DICTATOR. If we mods act like dictators, we can only lose. Members will be less energized Old members we ticked off flame the group, etc. It's really a lesson in life: Be nice under all circumstances or you've already lost. Even if

you just act nice in e-mails, after a while, you'll see everyone being nice in the group, and you'll start really genuinely being nice yourself as a result. Meanies get flamed and their groups don't flourish.

The Freecycle Copyright & Trademark Policy				
The complete policy can b	e found at			
WHO TO CONTACT WHEN YOU NEED HELP				
NOTE: The Freecycle™ Negroup. If you are having of	etwork cannot hel lifficulty with your	p you unsubscribe from an individual email delivery preferences, please visit		
need help.	nere to go if you a	re a member of a Freecycle™ group and		
you submitted the application patient. Our volunteer New	tion but haven't h w Group Approver a couple of week	u are the owner of a new group and eard back yet, but please try to be s are working as hard as they can to get and you've heard nothing, please feel t.		
Outreach & Assistance (GC	DA) team available	he Freecycle™ Network has a Group e to help. If you're in the USA or Canada, the GOA for your state or province.		
If you're located elsewhere	e, please write to			
LOCATION	GOA(s)	EMAIL		
INTERNATIONAL	Anne			
UNITED KINGDOM	Louise			
ALBERTA	Jackie			
ALASKA	Paula			
ALABAMA	Stephanie			
ARKANSAS	Stephanie			

Bryan

ARIZONA





WASHINGTON	Paula	
WISCONSIN	Paula	
WEST VIRGINIA	Traci-Dale	
WYOMING	Stephanie	
YUKON	Jackie	

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