

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOFF, Tax Id. 894025, Individually and in his Official Capacity, SGT FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.  
-----X

10CV6005

**VERIFIED  
ANSWER**

**DEFENDANT  
ISAK ISAKOV  
DEMANDS  
TRIAL BY JURY**

The defendant, ISAK ISAKOV, by his attorneys, IVONE, DEVINE & JENSEN, LLP,  
upon information and belief, answers the plaintiff's Complaint herein as follows:

### **ANSWERING PRELIMINARY STATEMENT**

1. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "1".

2. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "2" except denies a conspiracy.

### **ANSWERING JURISDICTION**

3. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "3".

### **ANSWERING VENUE**

4. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "4".

### **ANSWERING JURY DEMAND**

5. Admits to the allegations contained in the paragraph or subdivisions of the Complaint designated "5".

### **ANSWERING THE PARTIES**

6. Admits to the allegations contained in the paragraph or subdivisions of the Complaint designated "6" and "7".

7. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "8", "9", "10", "11", "12", "14", "19" and "20".

8. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "13" except admits JAMAICA HOSPITAL MEDICAL CENTER is a hospital located at 8900 Van Wyck Expressway, Jamaica, New York 11418.

9. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "15" except refers conclusions of law to the Court.

10. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "16" except admits DR. ISAK ISAKOV was and still is a physician duly licensed to practice medicine in the State of New York.

11. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "17" except admits DR. ISAK ISAKOV was an attending physician in the Department of Psychiatry at JAMAICA HOSPITAL MEDICAL CENTER.

12. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "18" except admits DR. LILIAN ALDANA-BERNIER was and still is a physician duly licensed to practice medicine in the State of New York.

## ANSWERING FACTUAL BACKGROUND

13. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55", "56", "57", "58", "59", "60", "61", "62", "63", "64", "65", "66", "67", "68", "69", "70", "71", "72", "73", "74", "75", "76", "77", "78", "79", "80", "81", "82", "83", "84", "85", "86", "87", "88", "89", "90", "91", "92", "93", "94", "95", "96", "97", "98", "99", "100", "101", "102", "103", "104", "105", "106", "107", "108", "109", "110", "111", "112", "113", "114", "115", "116", "117", "118", "119", "120", "121", "122", "123", "124", "125", "126", "127", "128", "129", "130", "131", "132", "133", "134", "135", "136", "137", "138", "139", "140", "141", "142", "143", "144", "145", "146", "147", "148", "149", "150", "151", "152", "153", "154", "155", "156", "157", "158", "159", "160", "161", "162", "163", "164", "166", "167", "168", "169", "170", "171", "172", "173", "175", "176", "177", "178", "180", "181", "182", "183", "184", "189", "192", "201", "205", "207", "208", "209", "210", "211", "212", "214", "215", "216", "217", "218", "219", "220", "221", "222", "223", "224", "225", "226", "227", "228", "229", "230", "231", "232", "233", "234", "235", "236", "237", "238", "239", "240" and "241".

14. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "165" except admits the plaintiff was transported to the Jamaica Hospital.

15. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "174", "187", "188", "191", except refers to the hospital record.

16. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "179" except admits plaintiff was admitted into the psychiatric ward at JHMC.

17. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "185", "186", "190", "193", "194", "195", "196", "197", "198", "199", "200", "202", "203", "204", "206", "213" and "242".

**ANSWERING FIRST CLAIM FOR RELIEF**  
**DEPRIVATION OF FEDERAL RIGHTS UNDER 42 U.S.C. § 1983**

18. As to the paragraph of the Complaint designated "243", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "242" inclusive with the same force and effect as if fully set forth at length herein.

19. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "244" and "245".

20. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "246", "247" and "248".

**ANSWERING SECOND CLAIM FOR RELIEF**  
**FALSE ARREST UNDER 42 U.S.C. § 1983**

21. As to the paragraph of the Complaint designated "249", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs

"1" through "248" inclusive with the same force and effect as if fully set forth at length herein.

22. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "250" and "251".

**ANSWERING THIRD CLAIM FOR RELIEF**  
**VIOLATION OF FIRST AMENDMENT RIGHTS UNDER 42 U.S.C. § 1983**

23. As to the paragraph of the Complaint designated "252", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "251" inclusive with the same force and effect as if fully set forth at length herein.

24. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "253", "254", "255", "256", "257", "258", "259", "260", "261", "262", "263", "264", "265", "266" and "267".

**ANSWERING FOURTH CLAIM FOR RELIEF**  
**MALICIOUS ABUSE OF PROCESS UNDER 42 U.S.C. § 1983**

25. As to the paragraph of the Complaint designated "268", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "267" inclusive with the same force and effect as if fully set forth at length herein.

26. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "269", "270", "271", "272", "273", "274" and "275".

**ANSWERING FIFTH CLAIM FOR RELIEF**  
**EXCESSIVE FORCE UNDER 42 U.S.C. § 1983**

27. As to the paragraph of the Complaint designated "276", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "275" inclusive with the same force and effect as if fully set forth at length herein.

28. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "277" and "278".

**ANSWERING SIXTH CLAIM FOR RELIEF**  
**FAILURE TO INTERCEDE UNDER 42 U.S.C. § 1983**

29. As to the paragraph of the Complaint designated "279", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "278" inclusive with the same force and effect as if fully set forth at length herein.

30. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "280", "281", "282" and "283".

**ANSWERING SEVENTH CLAIM FOR RELIEF**  
**UNLAWFUL SEARCH AND ENTRY UNDER 42 U.S.C. § 1983**

31. As to the paragraph of the Complaint designated "284", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "283" inclusive with the same force and effect as if fully set forth at length herein.

32. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "285", "286", "287" and "288".

**ANSWERING EIGHTH CLAIM FOR RELIEF**  
**INVOLUNTARY CONFINEMENT UNDER 42 U.S.C. § 1983**

33. As to the paragraph of the Complaint designated "289", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "288" inclusive with the same force and effect as if fully set forth at length herein.

34. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "290", "291", "292", "293", "294" and "295".

**ANSWERING NINTH CLAIM FOR RELIEF**  
**CONSPIRACY TO VIOLATE PLAINTIFF'S CIVIL RIGHTS UNDER 42 U.S.C. § 1983**

35. As to the paragraph of the Complaint designated "296", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "295" inclusive with the same force and effect as if fully set forth at length herein.

36. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "297", "298", "299", "300" and "301".

**ANSWERING TENTH CLAIM FOR RELIEF**  
**VIOLATION OF DUE PROCESS UNDER 42 U.S.C. § 1983**

37. As to the **second numbered** paragraph of the Complaint designated "300", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "301" inclusive with the same force and effect as if fully



set forth at length herein.

38. Denies each and every allegation contained in the **second numbered** paragraphs or subdivisions of the Complaint designated "301".

**ANSWERING ELEVENTH CLAIM FOR RELIEF  
MUNICIPAL LIABILITY UNDER 42 U.S.C. § 1983**

39. As to the paragraph of the Complaint designated "302", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "301" inclusive with the same force and effect as if fully set forth at length herein.

40. Deny any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "303", "304", **second numbered paragraph "304"**, "305", "306", "307", "308" and "312".

41. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "309", "310", "311".

**ANSWERING PENDANT STATE CLAIMS**

42. As to the paragraph of the Complaint designated "313", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "312" inclusive with the same force and effect as if fully set forth at length herein.

43. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "314", "315", "316", "317", "318" and "319".

**ANSWERING FIRST CLAIM FOR RELIEF UNDER N.Y. STATE LAW: ASSAULT**

44. As to the paragraph of the Complaint designated "320", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "319" inclusive with the same force and effect as if fully set forth at length herein.

45. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "321" and "322".

**ANSWERING SECOND CLAIM FOR RELIEF UNDER N.Y. STATE LAW: BATTERY**

46. As to the paragraph of the Complaint designated "323", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "322" inclusive with the same force and effect as if fully set forth at length herein.

47. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "324", "325" and "326".

**ANSWERING THIRD CLAIM FOR RELIEF UNDER N.Y. STATE LAW:  
FALSE ARREST**

48. As to the paragraph of the Complaint designated "327", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "326" inclusive with the same force and effect as if fully set forth at length herein.

49. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "328" and "329".

50. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "330".

**ANSWERING FOURTH CLAIM FOR RELIEF UNDER N.Y. STATE LAW:  
FALSE IMPRISONMENT**

51. As to the paragraph of the Complaint designated "331", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "330" inclusive with the same force and effect as if fully set forth at length herein.

52. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "332", "334", "335" and "336".

53. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "333".

**ANSWERING FIFTH CLAIM FOR RELIEF UNDER N.Y. STATE LAW:  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

54. As to the paragraph of the Complaint designated "337", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "336" inclusive with the same force and effect as if fully set forth at length herein.

55. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "338", "341", "342", "343", "344" and "345".

56. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "339" and "340".

**ANSWERING SIXTH CLAIM FOR RELIEF UNDER N.Y. STATE LAW:  
NEGLIGENT HIRING/TRAINING/SUPERVISION/RETENTION  
(Defendant City of New York)**

57. As to the paragraph of the Complaint designated "346", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "345" inclusive with the same force and effect as if fully set forth at length herein.

58. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "347", "348", "349", "350", "351", "352", "353", "354", "355", "356", "357", "358", "359", "360", "361", "362", "363", "364", "365", "366", "367", "368" and "369".

**ANSWERING SEVENTH CLAIM FOR RELIEF UNDER N.Y. STATE LAW  
MEDICAL MALPRACTICE**

59. As to the paragraph of the Complaint designated "370", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "369" inclusive with the same force and effect as if fully set forth at length herein.

60. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "371", "372" and "373".

**ANSWERING EIGHTH CLAIM FOR RELIEF UNDER N.Y. STATE LAW:  
NEGLIGENT HIRING/TRAINING/SUPERVISION/RETENTION  
(Defendant JHMC)**

61. As to the paragraph of the Complaint designated "374", answering defendant repeats and realleges each and every denial heretofore made with respect to paragraphs "1" through "373" inclusive with the same force and effect as if fully set forth at length herein.

62. Denies any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in the paragraphs or subdivisions of the Complaint designated "375" and "378".

63. Denies each and every allegation contained in the paragraphs or subdivisions of the Complaint designated "376" and "377".

**AS AND FOR A FIRST AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

64. That the plaintiff contributed to the events referred to in the Complaint by culpable conduct, both intentional and negligent. By reason of the foregoing, damages are mitigated by Article 14-A of the CPLR.

**AS AND FOR A SECOND AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

65. That the cause of action alleging a conspiracy fails to state a cause of action and accordingly is barred.

**AS AND FOR A THIRD AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

66. That the care provided by this answering defendant, as well as the actions

taken in connection therewith, were undertaken with justification, good and probable cause, and good faith, as well. The actions herein are accordingly barred.

**AS AND FOR A FOURTH AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

67. That the evaluation and treatment provided by this answering defendant were undertaken pursuant to the Mental Hygiene Law of the State of New York so that this answering defendant acted with a privilege under the law and has immunity from liability therefor.

**AS AND FOR A FIFTH AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

68. This answering defendant pleads Article 16 of the CPLR in mitigation of damages so that joint tortfeasors are liable only for the relative share of damages for non-economic loss related to the culpable conduct of each, in proportion to that of all.

**AS AND FOR A SIXTH AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

69. Upon information and belief, plaintiff has received remuneration and/or compensation for some or all of his claimed economic loss and answering defendant is entitled to have any verdict or judgment reduced by the amount of that remuneration or compensation pursuant to Civil Practice Law and Rules § 4545.

**AS AND FOR A SEVENTH AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

70. That the plaintiff's Complaint does not contain a certificate required by CPLR 3012-a and therefore fails to state a cause of action. By reason of the foregoing the actions

are barred.

**AS AND FOR AN EIGHTH AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

71. That the alleged cause of action pursuant to 424 U.S.C. Section 1983 is vague and conclusory and does not set forth specific allegations of fact which would entitle the plaintiff to recover. By reason of the foregoing, that cause of action is barred.

**AS AND FOR A NINTH AFFIRMATIVE  
DEFENSE THIS ANSWERING DEFENDANT  
ALLEGES UPON INFORMATION AND BELIEF:**

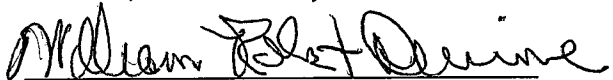
72. That the plaintiff, by his actions and conduct failed to cooperate with the physicians who evaluated him at JAMAICA HOSPITAL MEDICAL CENTER and failed to give them important information that a reasonably prudent person, under the same or similar circumstances, would have given. By reason of the foregoing the plaintiff ADRIAN SCHOOLCRAFT knowingly and voluntarily assumed the risk of confinement and the events referred to in the Complaint, so as to bar the action; or, in the alternative, to mitigate damages herein.

WHEREFORE, defendant, ISAK ISAKOV, demands judgment dismissing the plaintiff's Complaint together with the costs and disbursements of this action.

Dated: Lake Success, New York  
September 7, 2010

Yours, etc.,

IVONE, DEVINE & JENSEN, LLP

By: 

WILLIAM ROBERT DEVINE (7415)

Attorneys for Defendant

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TO:

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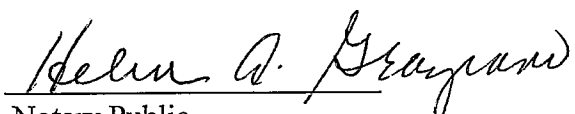




those being the addresses designated by said attorneys for that purpose, by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department.

  
Gloria Sands

Sworn to before me on  
September 7, 2010

  
Notary Public

HELEN A. GRAZIANO  
Notary Public, State of New York  
No. 01GR6027527  
Qualified in Nassau County  
Commission Expires July 6, 20 11

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10CV6005

Plaintiff,

-against-

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOFF, Tax Id. 894025, Individually and in his Official Capacity, SGT FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

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VERIFIED ANSWER

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