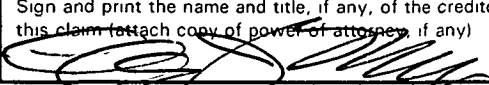


\*FILE ORIGINAL FOR CHAPTERS 7 and 11, IN DUPLICATE FOR CHAPTER 13, FOR DATE-STAMPED COPY, SEE #9 BELOW

<b>United States Bankruptcy Court</b> Northern District of Illinois, Eastern Division		<input type="checkbox"/> CH 7 <input type="checkbox"/> CH 13 <input checked="" type="checkbox"/> CH 11 <b>PLEASE CHECK CHAPTER</b>
Name of Debtor <b>KMART CORPORATION, ET AL.</b>		Case Number <b>02 B 02474</b>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503		<b>PROOF OF CLAIM</b>
Name of Creditor (The person or other entity to whom the debtor owes money or property) <b>KAREN BRAUER</b>		File Claim Form With.  United States Bankruptcy Court P. O. Box A3613 Chicago, Illinois 60690-3612  Creditor # _____  <b>THIS SPACE IS FOR COURT USE ONLY</b>
Name and Address Where Notices Should be Sent <b>FRANCIS J MANION                  AMERICAN CENTER FOR LAW AND JUSTICE                  6375 NEW HOPE ROAD, NEW HOPE, KY 40052</b>		
Telephone No <b>502-549-7020</b>		
Account or other number by which creditor identifies debtor.		Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces   a previously filed claim dated _____
<b>1 BASIS FOR CLAIM</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death                      Your social security number _____ <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other <b>EMPLOYMENT DISCRIMINATION</b> Unpaid compensation for services performed <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114 (a)                      from _____ to _____ <span style="margin-left: 400px;">( date )</span> <span style="margin-left: 100px;">( date )</span>		
<b>2 DATE DEBT WAS INCURRED:</b> <u>12/19/1996</u>		<b>3. IF COURT JUDGMENT, DATE OBTAINED:</b>
<b>4 Total Amount of Claim at Time Case Filed:</b> \$ <u>500,000</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges		
<b>5. Secured claim</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff)  Brief Description of Collateral  <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____  Value of collateral \$ _____  Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ _____		<b>6. Unsecured Priority Claim</b> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,300), *earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier-11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other—Specify applicable paragraph of 11 U.S.C. § 507(a) _____ *Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment
<b>7. CREDITS:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim <b>8. SUPPORTING DOCUMENTS:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. ANY ATTACHMENT MUST BE 8-1/2" BY 11" <b>9 DATE-STAMPED COPY:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and an additional copy of this proof of claim.		<b>THIS SPACE IS FOR COURT USE ONLY</b> KP 887 RECEIVED SOCIAL SERVICES UNIT 3/29/02 2002 MAR 29 PM 2:34 <b>BANKRUPTCY</b>
Date <u>3/20/02</u>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) 	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both 18 U.S.C. §§ 152 and 3571		

Docket as of January 29, 2002 10:24 pm

Web PACER (v2.3)

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**U.S. District Court**  
**for the Southern District of Ohio (Cincinnati)**  
**CIVIL DOCKET FOR CASE #: 99-CV-618**

**Brauer v. K-Mart Corporation**

Filed: 08/12/99  
Assigned to: Mag. Judge Jack Sherman  
Jury demand: Plaintiff  
Demand: \$0,000  
Nature of Suit: 190  
Lead Docket: None  
Jurisdiction: Diversity  
Dkt# in other court: None  
Cause: 28:1332 Diversity-Other Contract

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KAREN BRAUER  
plaintiff

Francis J Manion  
[COR LD NTC]  
American Center for Law and  
Justice-Midwest  
6375 New Hope Road  
New Hope, KY 40052  
502-549-7020  
Thomas W Condit  
[COR LD NTC]  
PO Box 275  
Milford, OH 45150  
513-965-9260  
FTS 965-9261

v.  
K-MART CORPORATION  
defendant

Gregory Valentin Mersol  
[term 12/03/01]  
216-861-7935  
[COR LD NTC]  
Baker & Hostetler  
3200 National City Bank  
Building  
1900 E Ninth Street  
Cleveland, OH 44114-3485  
216-621-0200  
FTS 696-0740  
Michael A Womack  
[COR LD NTC]  
Littler Mendelson PC - 2  
21 E State Street  
16th Floor  
Columbus, OH 43215

CINCINNATI WOMEN'S SERVICES intervenor-defendant	614-463-4201 FTS 221-3301 Jennifer Lynn Branch [COR LD NTC] Alphonse Adam Gerhardstein [COR LD NTC] Laufman & Gerhardstein 1409 Enquirer Building 617 Vine Street Cincinnati, OH 45202 513-621-9100 FTS 345-5543
NORMAN MATTHEWS, MD intervenor-defendant	Jennifer Lynn Branch (See above) [COR LD NTC] Alphonse Adam Gerhardstein (See above) [COR LD NTC]
PLANNED PARENTHOOD OF SOUTHEASTERN OHIO AND NORTHERN KENTUCKY intervenor-defendant	Jennifer Lynn Branch (See above) [COR LD NTC] Alphonse Adam Gerhardstein (See above) [COR LD NTC]
JEAN SIEBENALER, Dr intervenor-defendant	Jennifer Lynn Branch (See above) [COR LD NTC] Alphonse Adam Gerhardstein (See above) [COR LD NTC]

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## DOCKET PROCEEDINGS

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DATE	#	DOCKET ENTRY
8/12/99	1	COMPLAINT & JURY DEMAND ( no. pgs: 7) (km) [Entry date 08/12/99]
8/12/99	2	MOTION by plaintiff for admission of attorney Francis J Manion pro hac vice ( no pgs: 2+) (km) [Entry date 08/12/99]
8/19/99	--	NOTATION ORDER by Judge S. A. Spiegel granting motion for admission of attorney Francis J Manion pro hac vice [2-1] (cc: all counsel) (vp) [Entry date 08/19/99]
10/14/99	3	Stipulation and ORDER by Judge S. A. Spiegel that deft has until 10/18/99 to respond to complaint (cc: all counsel) ( no pgs: 1) (vp) [Entry date 10/14/99]
10/18/99	4	ANSWER by defendant K-Mart Corporation ( no pgs: 7) (vp) [Entry date 10/18/99]

11/1/99 5 NOTICE setting this action for Preliminary PTC 2:00  
12/22/99 before J Spiegel no pgs: 1 (cc: all counsel) (vp)  
[Entry date 11/01/99]

12/22/99 6 WAIVER OF SERVICE mailed to defendant K-Mart Corporation  
on 8/12/99 Answer due on 10/11/99 for K-Mart Corporation  
( no pgs: 1) (vp) [Entry date 12/22/99]

12/27/99 7 MOTION by defendant K-Mart Corporation for judgment on the  
pleadings re counts I, III, IV and V ( no pgs: 2+) (vp)  
[Entry date 12/29/99]

12/29/99 8 PRELIMINARY PRETRIAL ORDER by Judge S. A. Spiegel ; Mtn  
filing ddl 8/1/00 Discovery ddl 7/1/00 ; Final pretrial  
conf set 2:00 11/15/00 ; 5 day Jury trial set 9:30 1/8/01  
(cc: all counsel) ( no pgs: 3) (vp) [Entry date 12/29/99]

1/14/00 9 MOTION by plaintiff to extend time until 1/21/00 to file  
memopp to defts motion for jgm on pleadings ( no pgs: 2+)  
(vp) [Entry date 01/14/00]

1/18/00 10 ORDER by Judge S. A. Spiegel granting motion to extend  
time until 1/21/00 to file memopp to defts motion for jgm  
on pleadings [9-1] (cc: all counsel) ( no pgs: 1) (vp)  
[Entry date 01/18/00]

1/21/00 11 MEMORANDUM by plaintiff in opposition to defts motion for  
jgm on the pleadings [7-1] ( no pgs: 17) (vp)  
[Entry date 01/24/00]

2/1/00 12 MOTION by defendant to extend time until 2/15/00 to file  
reply in support of motion for jgm on the pleadings ( no  
pgs: 2+) (vp) [Entry date 02/01/00]

2/2/00 13 ORDER by Judge S. A. Spiegel granting motion to extend  
time until 2/15/00 to file reply in support of motion for  
jgm on the pleadings [12-1] (cc: all counsel) ( no pgs: 1)  
(vp) [Entry date 02/02/00]

2/15/00 14 REPLY by defendant to response to motion for judgment on  
the pleadings re counts I, III, IV and V [7-1] ( no pgs:  
10+) (vp) [Entry date 02/15/00]

2/22/00 15 MOTION by plaintiff to strike footnote and exhibit from  
defts reply to response to motion for judgment on the  
pleadings [14-1] ( no pgs: 4+) (km) [Entry date 02/22/00]

2/28/00 16 ORDER by Judge S. A. Spiegel Case reassigned to clerks  
office for reassignment (cc: all counsel) ( no pgs: 1) (vp)  
[Entry date 02/28/00]

2/29/00 17 ORDER/NOTICE by Clerk Case reassigned to Judge Herman J.  
Weber (cc: all counsel) ( no pgs: 1) (km)  
[Entry date 02/29/00]

3/2/00 18 ORDER OF PROCEDURE by Judge Herman J. Weber; parties have  
until 5/1/00 to respond ; Case mgnt ddl set for 5/1/00  
(cc: all counsel) ( no pgs: 3/consent form, ltr & Mag bk)  
(ph) [Entry date 03/02/00]

3/10/00 19 RESPONSE by defendant to motion to strike footnote and

exhibit from defts reply to response to motion for judgment on the pleadings [14-1] [15-1] ( no pgs: 3) (ph) [Entry date 03/10/00]

3/27/00 20 RESPONSE by plaintiff & defendant to Order Of Procedure [18-1] & [18-2]; JPL & Proposed Scheduling Order (ph) [Entry date 03/27/00]

3/27/00 21 AMENDMENT by plaintiff & defendant to response Order Of Procedure [20-1]; JPL & Proposed Scheduling Order (ph) [Entry date 03/27/00]

4/5/00 22 SCHEDULING ORDER by Judge Herman J. Weber ; A/complaint ddl set for 6/1/00 ; Witness list ddl set for 7/1/00, ; Discovery ddl set for 7/1/00 ; Status report ddl set for 7/15/00 ; Mtn filing ddl set for 8/1/00 ; JFPTO ddl set for 1/5/01 ; Jury trial set for 2/01 trial term; BYR ORDER (cc: all counsel) ( no pgs: 2) (ph) [Entry date 04/05/00]

4/5/00 23 ORDER by Judge Herman J. Weber in re: Trial preparation w/witness and exhibit lists (cc: all counsel) ( no pgs: 8+Proposed JFPTO) (ph) [Entry date 04/05/00]

7/13/00 24 JOINT STATUS REPORT by plaintiff, defendant ( no pgs: 3) (ph) [Entry date 07/13/00]

8/1/00 25 MOTION by defendant to extend motion cutoff date until 9/5/00 ( no pgs: ) (ph) [Entry date 08/01/00]

8/2/00 -- NOTATION ORDER by Judge Herman J. Weber granting motion to extend motion cutoff date until 9/5/00 [25-1] ; Mtn filing ddl extended to 9/5/00 (cc: all counsel) (ph) [Entry date 08/02/00]

9/1/00 26 SECOND UNOPPOSED MOTION by defendant to extend motion cutoff ( no pgs: ) (ph) [Entry date 09/05/00]

9/8/00 27 ORDER by Judge Herman J. Weber granting motion to extend motion cutoff [26-1] ; Mtn filing ddl extended to 10/10/00 ; BYR ORDER (cc: all counsel) ( no pgs: 2) (ph) [Entry date 09/08/00]

10/10/00 28 THIRD UNOPPOSED MOTION by defendant to extend motion cutoff date until 10/17/00 ( no pgs: ) (ph) [Entry date 10/11/00]

10/17/00 -- Deposition of Karen Brauer (FILED UNDER SEAL) (ph) [Entry date 10/17/00]

10/17/00 29 NOTICE of filing depo of Karen Brauer by defendant K-Mart Corporation ( no pgs: 2) (ph) [Entry date 10/17/00]

10/17/00 30 MOTION by defendant for summary judgment ( ) (ph) [Entry date 10/17/00]

10/17/00 31 Proposed Findings of Undisputed Fact & Conclusions of Law by defendant (ph) [Entry date 10/17/00]

10/19/00 -- NOTATION ORDER by Judge Herman J. Weber granting motion to extend motion cutoff date until 10/17/00 [28-1] (cc: all counsel) (ph) [Entry date 10/19/00]

- 10/26/00 32 Stipulation and ORDER by Judge Herman J. Weber : extending time until 11/20/00 for pltf to respond to deft's motion for summary judgment (cc: all counsel) ( no pgs: 1) (ph) [Entry date 10/26/00]
- 11/1/00 33 JOINT MOTION by plaintiff & defendant to continue Final Pretrial Conference () (ph) [Entry date 11/01/00]
- 11/14/00 34 ORDER by Judge Herman J. Weber granting motion to continue Final Pretrial Conference [33-1]; the 11/15/00 conference is vacated (cc: all counsel) ( no pgs: 1) (ph) [Entry date 11/14/00]
- 11/20/00 35 MEMORANDUM by plaintiff in opposition to deft's motion for summary judgment [30-1] () (ph) [Entry date 11/21/00]
- 12/1/00 36 UNOPPOSED MOTION by defendant to extend time until 12/29/00 to file reply memo in support of motion for summary judgment ( no pgs: ) (ph) [Entry date 12/05/00]
- 12/29/00 37 REPLY by defendant to response to motion for summary judgment [30-1] () (ph) [Entry date 12/29/00]
- 1/23/01 38 ORDER by Judge Herman J. Weber ; JFPTO ddl reset for 4/5/01 ; Jury trial reset for 5/01 trial term (cc: all counsel) (.no pgs: 1) (ph) [Entry date 01/23/01]
- 1/23/01 39 ORDER by Judge Herman J. Weber denying as moot deft's motion for judgment on the pleadings re counts I, III, IV and V [7-1], pltf's motion to strike footnote and exhibit from defts reply to response to motion for judgment on the pleadings [14-1] [15-1] and deft's motion to extend time until 12/29/00 to file reply memo in support of motion for summary judgment; granting deft's motion for summary judgment [30-1] as to pltf's 2nd, 3rd, 4th and 5th claims for relief and denying as to pltf's 1st claim for relief; case shall proceed to trial on first claim for relief (cc: all counsel) ( no pgs: 22) (ph) [Entry date 01/23/01]
- 3/27/01 40 ORDER by Judge Herman J. Weber upon consent of parties, this case referred to Mag. Judge Jack Sherman for final disposition, ; JFPTO ddls et for 4/5/01 is vacated ; Jury trial date set for 5/01 trial term is vacated (cc: all counsel) ( no pgs: 1) (ph) [Entry date 03/27/01]
- 3/28/01 41 NOTICE by Magistrate Sherman of ; Prelim pretrial conf via phone set for 2:00 5/18/01 (cc: all counsel) (ph) [Entry date 03/28/01]
- 5/21/01 42 CALENDAR ORDER by Mag. Judge Jack Sherman ; Expert Witness list ddl reset for 8/17/01, ; Final pretrial conf set for 2:00 10/10/01 ; Jury trial set for 11/5/01 (cc: all counsel) ( no pgs:.1) (ph) [Entry date 05/21/01]
- 8/15/01 43 MOTION by intervenors Cinti Women's Serv, Norman Matthews, Planned Parenthood of SE OH & N KY and Jean Siebenaler to intervene ( no pgs: 31+) (ph) [Entry date 08/20/01]
- 8/21/01 44 Stipulation and ORDER by Mag. Judge Jack Sherman : that parties experts will be identified by 8/17/01; expert

reports exchanged by 9/17/01 (cc: all counsel) ( no pgs: 2)  
(ph) [Entry date 08/21/01]

- 8/24/01 45 MEMORANDUM by plaintiff in opposition to motion to  
intervene [43-1] ( no pgs: 10) (ph) [Entry date 08/27/01]
- 8/30/01 46 NOTICE by counsel for defendant K-Mart Corporation of  
change of address and law firm ( no pgs: 2) (km)  
[Entry date 08/30/01]
- 9/5/01 47 REPLY by intervenors to response to motion to intervene  
[43-1] ( no pgs: 5) (ph) [Entry date 09/06/01]
- 9/6/01 48 NOTICE by Magistrate Sherman of hearing on motion to  
intervene [43-1] set at 11:00 9/20/01 (cc: all counsel) (ph)  
[Entry date 09/06/01]
- 9/7/01 49 RESPONSE by defendant K-Mart Corporation to motion to  
intervene [43-1] ( no pgs: 2) (ph) [Entry date 09/10/01]
- 9/20/01 50 CIVIL MINUTES: Hearing before Mag. Judge Jack Sherman on  
motion to intervene [43-1]; Arguments heard; Motion tasken  
under submission; COurt Reporter Sharon Helfrich (Ace  
Rptng) ( no pgs: 1) (ph) [Entry date 09/24/01]
- 10/10/01 51 ORDER by Mag. Judge Jack Sherman granting motion to  
intervene [43-1]; Court denies as moot the alternative  
motion; Clerk is directed to file intervenor's motion for  
summary judgment; telephone conference will be held  
10/15/01 at 3:30 pm (cc: all counsel) ( no pgs: 8) (ph)  
[Entry date 10/11/01]
- 10/10/01 52 MOTION by intervenor defts Cinti Women's Serv, Norman  
Matthews, Planned Parent SE OH and Jean Siebenaler for  
summary judgment (originally submitted 8/15/01) (ph)  
[Entry date 10/11/01]
- 10/17/01 53 ORDER by Mag. Judge Jack Sherman; pltf's memo in opp to  
interveor's motion for SJ due by 11/12/01; intervenor's  
reply due by 11/30/01 ; Final pretrial conf set for 2:00  
1/18/02 ; Jury trial set for 9:00 2/11/02; Clerk directed  
to file intervenor defts' answer attached to doc # 43 (cc:  
all counsel) ( no pgs: 2) (ph) [Entry date 10/17/01]
- 10/17/01 54 ANSWER by intervenor-defendants Cinti Women's Services, Dr.  
Norman Matthews M.D., Planned Parent SE OH and Dr. Jean  
Siebenaler no pgs: 6) (ph) [Entry date 10/17/01]
- 11/13/01 55 CROSS-MOTION by plaintiff for summary judgment against  
intervening defts ( no pgs: ) (ph) [Entry date 11/14/01]
- 11/30/01 56 MEMORANDUM by intervenor-defendants Cinti Women's Serv,  
Norman Matthews, Planned Parent SE OH and Jean Siebenaler  
in support of motion for summary judgment [52-1] ( no pgs:  
16) (km) [Entry date 12/03/01]
- 11/30/01 56 MEMORANDUM by intervenor-defendants Cinti Women's Serv,  
Norman Matthews, Planned Parent SE OH and Jean Siebenaler  
in opposition to pltf's cross-motion for summary judgment  
[55-1] (no. pgs: 16) (km) [Entry date 12/03/01]

12/3/01 57 RESPONSE to motion by intervenor-defendant for summary judgment [52-1] and RENEWED MOTIONS by defendant K-Mart Corporation for judgment on the pleadings, for summary judgment and to dismiss party K-Mart Corporation with prejudice (km) [Entry date 12/03/01]

12/3/01 58 ATTORNEY SUBSTITUTION: terminating attorneys Gregory Valentin Mersol for K-Mart Corporation and substituting attorney Michael A Womack ( no pgs: 2) (km) [Entry date 12/03/01]

12/7/01 59 RESPONSE by plaintiff to renewed motion for judgment on the pleadings [57-1] for summary judgment [57-2] and to dismiss party K-Mart Corporation with prejudice [57-3] (no pgs: 6) (km) [Entry date 12/10/01]

12/20/01 60 REPLY by defendant K-Mart Corporation to response to motion for judgment on the pleadings [57-1], motion for summary judgment [57-2], motion to dismiss party K-Mart Corporation with prejudice [57-3] ( ) (ph) [Entry date 12/21/01]

1/10/02 61 UNOPPOSED MOTION by defendant K-Mart Corporation to continue final pre-trial conference and trial dates 60 days ( no pgs: 3) (km) [Entry date 01/11/02]

1/16/02 62 ORDER by Mag. Judge Jack Sherman granting motion to continue final pre-trial conference and trial dates 60 days [61-1] ; Final pretrial conf reset for 3:00 3/29/02 ; Jury trial reset for 9:00 4/29/02 (cc: all counsel) ( no pgs: 1) (ph) [Entry date 01/16/02]

1/16/02 63 MOTION by plaintiff to strike the last paragraph of defts reply to response to motion for judgment on the pleadings [57-1], motion for summary judgment [57-2] and motion to dismiss party K-Mart Corporation with prejudice [57-3] [60-1], or in the alternative for leave to file supplemental memorandum of law in opposition to motion for certification for immediate appeal and to stay proceedings ( no pgs: 4) (km) [Entry date 01/16/02]

1/23/02 64 NOTICE by Magistrate Sherman of ; Final pretrial conf reset for 3:00 4/12/02 ; Jury trial reset for 9:00 5/6/02 (cc: all counsel) (ph) [Entry date 01/23/02]

1/29/02 65 NOTICE by defendant K-Mart Corporation of filing bankruptcy ( no pgs: 3) (ph) [Entry date 01/29/02]

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Case Flags:  
STAYBK  
DISDDL  
CONMAG  
MTNDDL  
JURY



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END OF DOCKET: 1:99cv618

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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
03/25/2002 15:27:41			
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<b>Description:</b>	docket report	<b>Search Criteria:</b>	1:99cv00618
<b>Billable Pages:</b>	8	<b>Cost:</b>	0.56

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