



## White Collar and Corporate Crime

Regulatory bodies and law enforcement agencies globally are now more powerful than ever before. They are showing greater willingness to use the powers made available to them, encouraged by government initiatives, to persuade companies that regulation must be taken seriously.

The ensuing investigations can result in serious consequences. It is vital that companies take a holistic approach to the legal and regulatory environments in which they operate.

Our global team can help clients manage a crisis, provide guidance through an investigation (whether national or international) and provide advice on becoming fully compliant with specific regulations wherever in the world you operate.

We are proud to be recognized by the *Global Investigations Review 2021* as a Top 30 Investigations firm globally.

### CAPABILITES

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#### Risk and compliance

Our team works with clients to ensure they are aware of developments in the law, their regulatory environment and the powers of the regulators. We have a proven track record of developing compliance programs tailored to industry and company needs. These are designed to inform, instruct and embed in all employees the complexities of governing laws, particular compliance vulnerabilities and the value of ethical behaviour.

#### Internal and regulatory investigations

Our team handles all types of regulatory investigations including those involving tax and accounting irregularities, financial misconduct, fraud, bribery, corruption, cartels and price fixing as well as independent internal company investigations and referrals from audit committees.

We are one of the few international law firms with a dedicated and substantial global team that is capable of dealing with the powers that underline regulatory investigations and enforcement in today's increasingly harsh regulatory environment. Our team comprises specialist investigators, experienced criminal defence lawyers and former regulators.

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We also regularly undertake internal investigations advising on the appropriate scope and identifying any systemic weaknesses and potential remedial actions. We assist clients with self-notification issues, responses to supervisory enquiries and investigations by the enforcement division of regulatory bodies, appearing before the various regulatory Tribunals, Committees and Panels when action is taken.

Our approach to managing investigations allows us to provide clients with an efficient and cost effective service without failing to understand your legal obligations and manage the sensitive risk issues that are involved. We understand that the first 48 hours are key and are able to act swiftly taking into account local and cross-border issues.

Our approach to investigations includes being acutely aware of and efficiently managing confidentiality, data management and control, collaborative working effective reporting and communication, cost containment and reputation management.

## Prosecution and enforcement

Investigations by a regulator can lead to prosecution or other enforcement action. We defend companies and individuals offering legal advice and representation at all stages of proceedings including court appearances.

## Crisis management

We have extensive experience in defending raids conducted by many different regulators and investigating authorities. Many of our staff who have worked for the various regulators and investigating authorities have practical experience of various raid situations. The team has been involved in raids by the European Commission, Office of Fair Trading, Serious Fraud Office and HM Revenue & Customs.

Our 'Rapid Response' global crisis management hotline service provides 24-hour, 365-day access to regulatory legal advice and crisis assistance.

## Training

We are able to provide training on various subject areas to help mitigate your risk including on fraud, anti-bribery and corruption (FCPA / UK Bribery Act / EMEA Anti-Corruption legislation), raids, and director's risk. One of our tools is the award winning 'At What Cost' film.

## EXPERIENCE

- Assisting a number of global life science companies in respect of various internal investigations and business conduct reviews across their operations across the globe, particularly in developing and emerging markets such as China, South East Asia, Middle East, and South America.
- Advised the Qatari State Audit Bureau and the National Committee for Integrity and Transparency on the implementation of the UN Convention against corruption and the drafting of a new anti-corruption law and related regulations.
- Conducting an international investigation in China, Hong Kong, Nigeria and Japan for a Japanese company concerning allegations of bribery and corruption.
- Acting for a worldwide logistics company in connection with a major Serious Fraud Office investigation in relation to allegations of facilitation payments made in a large number of countries worldwide.
- Advising a healthcare provider with a global due diligence review of distributors to ensure compliance with international anti-bribery laws. This included designing, providing and reviewing responses to due diligence assessments completed by distributors.

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## RELATED SERVICES

- Mergers and Acquisitions
- Tax Controversy and Disputes

## RELATED SECTORS

- Financial Services
- Energy and Natural Resources
- Media, Sport and Entertainment
- Technology
- Industrials

- Advising on a corporate manslaughter investigation arising from a fatal accident of an employee at a plant decommissioning service.
- Representing a NASDAQ-listed-South African based technology company that is the subject of a joint investigation regarding allegations of bribery and corruption by the SEC and DOJ into potential violations of the FCPA and securities laws.
- Representing Jesse Litvak, a former RMBS trader, who has been charged by the United States Attorney's Office for the District of Connecticut with securities fraud, TARP Fraud, and making false statements to the United States government.
- Advising a multinational consumer products company regarding the implementation of numerous global compliance initiatives through to completion as it attempted to resolve an FCPA investigation.
- Represents an international investment bank in investigations being conducted by the US Attorneys' Office in the Southern District of New York and the Securities and Exchange Commission into potential insider trading activity.
- Representing the Audit Committee of a publicly-traded telecommunications company in connection with its internal investigation of whistleblower complaints regarding potential violations of the securities laws.
- Representing two employees of an international bank that participated in submitting rates for the LIBOR calculation. This bank has received widespread press attention concerning the LIBOR investigation and its related activities during the relevant time period.
- Represented the Lebanese Canadian Bank (LCB), one of the largest banks in Lebanon, in a civil forfeiture and money laundering lawsuit brought by the United States Attorney's Office for the Southern District of New York, which sought the forfeiture of the entirety of LCB's assets. The Government's action alleged a widespread, international scheme in which LCB allegedly used the US financial system to launder narcotics trafficking and other criminal proceeds through West Africa and back into Lebanon.

## INSIGHTS

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### Publications

#### **Anti-money laundering: Global perspectives and updates**

30 June 2022

Governments around the world are more determined now than ever to curb illicit financing in all forms.

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#### **France strengthens its whistleblowing regime: Focus on 3 key changes**

30 June 2022

The law not only transposes the EU whistleblowing directive into French law, strengthening the country's previous regime, but actually goes beyond the directive's requirements.

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#### **Germany: five key aspects multinationals should know about the Anti-Bribery and Anti-Corruption law**

30 June 2022

While Germany's Anti-Bribery and Corruption Law resembles its UK and US counterparts, it also poses unique risks.

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#### **Morocco: 5 hot compliance topics**

30 June 2022

In Morocco, the sanitary crisis has shaped the actions of regulators, who are paying particular attention to economic actors' compliance in five key areas.

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#### **Real estate transactions are FinCEN targets: far-reaching impact of two proposed rules**

30 June 2022

The proposed rules are a reminder of this Administration's commitment to the fight against corruption and illicit finance in the US real estate market.

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## The Global Anti-Corruption Perspective, Q2 2022

30 June 2022

### [GLOBAL ANTI-CORRUPTION PERSPECTIVE](#)

Welcome to *The Global Anti-Corruption Perspective*. In this quarterly, we provide our perspective on the latest anti-corruption developments around the world, along with practical insights for those operating in the space.

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## Understanding how Thai law looks at bribery, gift-giving and appropriate controls

30 June 2022

Thailand's National Anti-Corruption Commission has issued guidelines for companies on internal control measures appropriate to prevent bribery; the country also regulates the giving of gifts or benefits to public officials.

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## Blockchain and Digital Assets News and Trends

16 June 2022

### [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Responsible Financial Innovation Act, the new proposed crypto regulation bill, provides some clarity on tax issues.

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## EU Whistleblower Directive: Implementation Tracker - Whistleblowing Laws in Europe: An international guide

June 2022

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## Blockchain and Digital Assets News and Trends

23 May 2022

### [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

OECD releases public consultation document on crypto tax reporting in effort to increase transparency.

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## Fast fraud facts: News from *Occupational Fraud 2022: A Report to the Nations*

7 April 2022

Did you know that organizations worldwide lose five percent of their revenue each year, for an estimated total of \$4.7 trillion dollars, to occupational fraud on an annual basis? In the recently published 2022 version of the *Occupational Fraud Report*, the most comprehensive global study by The Association of Certified Fraud Examiners to date, the true cost of fraudulent schemes for organizations is addressed.

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## Blockchain and Digital Assets News and Trends

18 March 2022

## [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Biden EO aims to protect digital asset consumers; UK authorities seize NFTs; Ukraine receiving crypto donations.

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### **US continues to escalate sanctions against Russia and Belarus**

4 March 2022

## [GLOBAL SANCTIONS ALERT](#)

White House announces new sanctions while putting in place extensive new export control measures against Russia and Belarus; DOJ announces Task Force KleptoCapture; OFAC closes some loopholes.

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### **The Global Anti-Corruption Perspective, Q1 2022**

23 February 2022

## [GLOBAL ANTI-CORRUPTION PERSPECTIVE](#)

Welcome to *The Global Anti-Corruption Perspective*. In this quarterly, we provide our perspective on the latest anti-corruption developments around the world, along with practical insights for those operating in the space.

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### **Supporting the health of your health system: 2022**

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

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### **The EU's new whistleblowing regime – why it matters to UK businesses**

15 December 2021

Friday 17 December 2021 marks a moment of divergence between the whistleblowing frameworks in the UK and EU, with the official implementation of the European bloc's new Whistleblowing Directive (Directive (EU) 2019/1937) (the Directive).

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### **Blockchain and Digital Assets News and Trends**

22 November 2021

## [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Infrastructure bill, including crypto "broker" rules, becomes law.

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### **The Global Anti-Corruption Perspective, Q4 2021**

5 October 2021

## [GLOBAL ANTI-CORRUPTION PERSPECTIVE](#)

Welcome to *The Global Anti-Corruption Perspective*, offering practical thoughts on complying with international bribery laws.

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## **Whistleblowing Laws in Europe: An international guide**

June 2022

On September 25, 2019, the EU formally adopted the new EU Whistleblower Protection Directive (the Directive) designed to enhance protection for whistleblowers within the EU. The Directive is designed to provide common minimum standards across the Union and requires Member States to transpose it into national law by October 2021.

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## ***US v. Bescond* addresses "fugitive disentitlement": Potential game changer for foreign-based defendants facing US charges**

30 August 2021

The Second Circuit found that a French citizen who had been in France throughout the period of the alleged crimes was not a "fugitive" and that the district court abused its discretion by applying the fugitive disentitlement doctrine.

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## **The UK Bribery Act: A Perfect 10 or an uninspired 5/10?**

1 July 2021

From its conception, the UK Bribery Act 2010, which came into force on 1 July 2011, presented itself as a radical and comprehensive overhaul of UK anti-bribery and corruption law. So, a decade on, what does the score card look like?

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## **Norway - Whistleblowing Laws in Europe: An international guide**

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## **EU Whistleblower Directive: Key provisions, SOX comparison and Actions for business**

June 2022

Recent scandals such as the Luxembourg Leaks financial scandal and the Panama Papers have highlighted the important role that whistleblowers can play in exposing breaches of EU law.

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## **Supplementary – Australia – Whistleblowing Laws in Europe: An international guide**

This article will focus primarily on whistleblowing protections in the private sector, but it also provides an overview on the systems in place in the public sector below.

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## **Sweden - Whistleblowing Laws in Europe: An international guide**

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## **Russia - Whistleblowing Laws in Europe: An international guide**

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## **Supplementary – United States – Whistleblowing Laws in Europe: An international guide**

There are many US federal statutes that prohibit employers in the private sector from retaliating against whistleblowers, many of which are sector or industry specific.

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## **Is the SFO fit for purpose?**

4 June 2021

Following the conclusion of an eight year investigation, the Serious Fraud Office (SFO) suffered a blow last month as its case against two former Serco directors collapsed. This has drawn focus to the SFO's use of deferred prosecution agreements (DPAs), through which companies acknowledge criminal liability based on alleged wrongdoing committed by their employees, whilst those employees, who have subsequently been prosecuted for the same offence, have escaped liability at trial. This raises the question of whether companies under a DPA should have taken their chances with a formal prosecution hearing, and has commentators questioning the wider benefits of DPAs, as well as the SFO's recent performance.

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## **Belgium - Whistleblowing Laws in Europe: An international guide**

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## **Czech Republic - Whistleblowing Laws in Europe: An international guide**

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## **Denmark - Whistleblowing Laws in Europe: An international guide**

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## **Finland - Whistleblowing Laws in Europe: An international guide**

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## **France - Whistleblowing Laws in Europe: An international guide**

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## **Germany - Whistleblowing Laws in Europe: An international guide**

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## **Ireland - Whistleblowing Laws in Europe: An international guide**

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## **Italy - Whistleblowing Laws in Europe: An international guide**

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## Luxembourg - Whistleblowing Laws in Europe: An international guide

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## Netherlands - Whistleblowing Laws in Europe: An international guide

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## Poland - Whistleblowing Laws in Europe: An international guide

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## Portugal - Whistleblowing Laws in Europe: An international guide

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## Slovak Republic - Whistleblowing Laws in Europe: An international guide

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## Spain - Whistleblowing Laws in Europe: An international guide

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## UK - Whistleblowing Laws in Europe: An international guide

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## Representing individuals in interviews – the US perspective

30 March 2021

Determining whether to consent to an interview, and any interview itself, can be pivotal.

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## Away with anonymous shell companies for good?

12 March 2021

On 24 February 2021, Transparency International submitted a global petition to the UN General Assembly preparing for the United Nation's first ever Special Session against Corruption, UNGASS 2021, which will take place in June 2021.

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## Disputes, Issue 2

28 January 2021

### DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.



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## Six months after *Liu*: The SEC and disgorgement

28 January 2021

In the wake of *Liu*, several open questions are only now starting to work their way through the courts.

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## The missing link in whistleblower programs – the escalation protocols

28 January 2021

A fixed set of escalation protocols helps ensure that a whistleblower program functions efficiently.

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## When a threat actor strikes: Legal considerations and challenges in a ransomware attack

21 December 2020

Evidence suggests that having employees working remotely significantly increases the risk of a successful ransomware attack.

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## SEC 2021 and beyond: What to expect

7 December 2020

Some likely areas of SEC focus, from both the regulatory and enforcement perspectives, in 2021 and beyond.

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## Blockchain and Digital Assets News and Trends

23 November 2020

### [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IMF issues report on regulatory framework for CBDs and GSCs, SEC invites feedback on application of custody rule to digital assets.

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## SEC invites feedback on application of Custody Rule to digital assets

23 November 2020

Specifically, Staff is asking whether non-depository firms such as state-chartered trust companies can act as qualified custodians for digital assets.

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## SFO clarifies guidance on DPAs: Is the DPA model ready for take-off?

4 November 2020

On 23 October 2020, the Serious Fraud Office published a new chapter from its Operational Handbook which provides further guidance on the SFO's approach to Deferred Prosecution Agreements. Whilst the guidance does not introduce any major changes, it does provide clarity on the SFO's expectations of companies wishing to avoid prosecution.

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## Blockchain and Digital Assets News and Trends

21 October 2020

## BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

SDNY finds Kin token is a security; unpacking the DOJ's cryptocurrency guidance – plus latest legal, regulatory and case law developments.

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### Blockchain and Digital Assets News and Trends

21 August 2020

## BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

California appellate court affirms judgment for Coinbase in lawsuit over Bitcoin Gold – plus latest legal, regulatory and case law developments.

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### Reputation management during investigations: ZXC v Bloomberg LP

16 July 2020

The Court of Appeal has upheld the decision of Nicklin J which found that Bloomberg had breached the privacy rights of a US businessman when it published an article containing confidential details about a UK criminal investigation which he was subject to.

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### Third parties: 4 FCPA takeaways for working with distributors

24 SEP 2014

Four key challenges and related “cures”

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### Tackling the realities of due diligence in a global setting

24 OCT 2013

For even the most conscientious of companies, hurdles exist to conducting fulsome due diligence in a global setting

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### Congress, Administration move forward to secure critical US infrastructure

11 JUL 2013

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### Cybersecurity and US federal public procurements: what contractors need to know

11 MAR 2013

Practical considerations for US federal contractors

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### Conflict mineral reporting rules impact many public companies: *new supply chain requirements and new Form SD*

19 Sep 2012

Understanding the new reporting requirements.

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## Federal agencies, Congress accelerate defense against cyber attacks – every private company will be affected

21 Mar 2012

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## Events

### Previous

#### Whistleblowing laws of Europe

14 March 2022

Webinar

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#### White Collar Crime, Investigations and Compliance Symposium

5 October 2021

Webinar

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## NEWS

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#### DLA Piper advises Knorr Bremse on the acquisition of a majority stake in Cojali

15 June 2022

DLA Piper has advised Knorr-Bremse and its subsidiary Knorr-Bremse Systeme für Nutzfahrzeuge GmbH on the acquisition of a majority stake of 55 percent in Cojali S.L.

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#### DLA Piper named to *Global Investigation Review's* GIR 30 list of leading investigations practices

11 November 2021

DLA Piper is pleased to announce that the firm has been named to *Global Investigations Review's* annual list of the 30 top investigations practices worldwide, reflecting its reputation as one of the top global law firms with broad experience in complex investigations.

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#### Laura Ford recognised in GIR Women in Investigations 2021

20 May 2021

DLA Piper is pleased to announce that Laura Ford, a partner in the firm's Litigation and Regulatory practice, has been named by Global Investigations Review in its list of Women in Investigations, 2021.

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