

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:00-cv-01315-RJL**

JACKSON v. US ATTORNEY/NJ, et al
Assigned to: Judge Richard J. Leon
Demand: \$0
Case in other court: USCA, 05-05149
07-05071
Cause: 05:552 Freedom of Information Act

Date Filed: 06/07/2000
Date Terminated: 02/23/2005
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

WAGNER D. JACKSON, JR.

represented by **WAGNER D. JACKSON, JR.**
2606 Finch Street
Silver Spring, MD 20902
(703) 602-5452
Fax: AREA CODE (703)
PRO SE

V.

Defendant

**UNITED STATES ATTORNEY'S
OFFICE, DISTRICT OF NEW
JERSEY**

represented by **Dorann E. Banks**
UNITED STATES DEPARTMENT OF
JUSTICE
U.S. Attorney's Office, Civil Division
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TERMINATED: 02/24/2005
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TERMINATED: 04/08/2003
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Defendant

FAITH S. HOCHBERG

represented by **Dorann E. Banks**
(See above for address)
TERMINATED: 02/24/2005
LEAD ATTORNEY

Karen L. Melnik
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael C. Johnson
(See above for address)
TERMINATED: 04/08/2003
LEAD ATTORNEY
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Defendant

U.S. DEPARTMENT OF JUSTICE
Executive Office of the US Attorneys
& Office of Information & Privacy

represented by **Dorann E. Banks**
(See above for address)
TERMINATED: 02/24/2005
LEAD ATTORNEY

Karen L. Melnik
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Marianela Peralta
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Michael C. Johnson
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TERMINATED: 04/08/2003
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Defendant

JANET RENO
US Attorney General

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TERMINATED: 02/24/2005
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 TERMINATED: 04/08/2003
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Defendant

**US ATTORNEY FOR THE DISTRICT
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represented by **Dorann E. Banks**
 (See above for address)
 TERMINATED: 02/24/2005
 LEAD ATTORNEY

Karen L. Melnik
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Michael C. Johnson
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 TERMINATED: 04/08/2003
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|---|---|
| 06/07/2000 | 1 | COMPLAINT filed by plaintiff WAGNER D. JACKSON JR.; attachment (cjp) (Entered: 06/08/2000) |
| 06/07/2000 | | SUMMONS (6) issued to federal party(s) federal defendant US ATTORNEY/NJ, federal defendant FAITH HOCHBERG, federal defendant DOJ, federal defendant JANET RENO, federal defendant US ATTORNEY FOR DC (cjp) (Entered: 06/08/2000) |
| 06/22/2000 | 2 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 6/12/00 upon federal defendant DOJ (Office of Information and Privacy); Return Receipt Card attached. (tth) Modified on 06/27/2000 (Entered: 06/26/2000) |
| 06/22/2000 | 3 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 6/12/00; Return Receipt Card attached. (tth) (Entered: 06/26/2000) |
| 06/22/2000 | 4 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney's Office District of New Jersey on 6/12/00; Return Receipt Card attached. (tth) Modified on 06/26/2000 (Entered: 06/26/2000) |
| 06/22/2000 | 5 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 6/14/00; Return Receipt Card attached. (tth) (Entered: 06/26/2000) |
| 06/22/2000 | 6 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 6/12/00 upon federal defendant DOJ (Office of U.S. Attorneys); Return Receipt Card attached. (tth) Modified on 06/27/2000 (Entered: 06/27/2000) |
| 06/22/2000 | 7 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 6/12/00 upon federal defendant FAITH HOCHBERG; Return Receipt Card attached. (tth) (Entered: 06/27/2000) |
| 07/10/2000 | 8 | ATTORNEY APPEARANCE for federal defendant US ATTORNEY/NJ, federal defendant FAITH HOCHBERG, federal defendant DOJ, federal defendant JANET RENO, federal defendant US ATTORNEY FOR DC by Michael C. Johnson (tth) (Entered: 07/11/2000) |

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| 07/10/2000 | 9 | ANSWER TO COMPLAINT [1-1] by federal defendants. (tth) (Entered: 07/11/2000) |
| 08/22/2000 | 10 | MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 16 filed by plaintiff and federal defendants. (tth) (Entered: 08/23/2000) |
| 08/31/2000 | <u>11</u> | ORDER by Judge Thomas P. Jackson :placing case on standard track, defndant Vaughn index to plaintiff within 60 days of this date, plaintiff to respond within 14 days, cross motions for summary judgment due 30 days thereafter, staying discovery, and the Court will schedule a hearing if necessary. (N) (rew) (Entered: 09/06/2000) |
| 10/20/2000 | 12 | VAUGHN INDEX by federal defendants; Declaration (1); Exhibits (7) (tth) (Entered: 10/23/2000) |
| 12/06/2000 | 13 | MOTION filed by plaintiff WAGNER D. JACKSON JR. for summary judgment (jdm) (Entered: 12/06/2000) |
| 12/13/2000 | 14 | CROSS MOTION by federal defendant DOJ for summary judgment, pursuant to rule 56 of the Federal Rules of Civil Procedure ; attachment (cas) (Entered: 12/14/2000) |
| 12/14/2000 | 15 | MOTION filed by federal defendant US ATTORNEY/NJ, federal defendant FAITH HOCHBERG, federal defendant DOJ, federal defendant JANET RENO, federal defendant US ATTORNEY FOR DC to extend time to 12/15/00 one-day extension of time to file opposition to plaintiff's cross-motion for summary judgment (cas) (Entered: 12/15/2000) |
| 12/14/2000 | 16 | MOTION filed by federal defendants US ATTORNEY/NJ, FAITH HOCHBERG, DOJ, JANET RENO, and US ATTORNEY FOR DC for leave to file defendant's cross-motion for summary judgment, and memorandum in support thereof (ag) (Entered: 12/18/2000) |
| 12/15/2000 | 19 | RESPONSE by federal defendant US ATTORNEY/NJ, federal defendant FAITH HOCHBERG, federal defendant DOJ, federal defendant JANET RENO, federal defendant US ATTORNEY FOR DC in opposition to motion for summary judgment [13-1] by WAGNER D. JACKSON JR. . (bjsp) (Entered: 12/19/2000) |
| 12/18/2000 | <u>17</u> | ORDER by Judge Thomas P. Jackson : granting motion for leave to file defendant's cross-motion for summary judgment, and memorandum in support thereof [16-1] by US ATTORNEY FOR DC, JANET RENO, DOJ, FAITH HOCHBERG, US ATTORNEY/NJ (N) (rew) (Entered: 12/19/2000) |
| 12/18/2000 | <u>18</u> | ORDER by Judge Thomas P. Jackson : granting motion to extend time to 12/15/00 one-day extension of time to file opposition to plaintiff's cross-motion for summary judgment [15-1] by US ATTORNEY FOR DC, JANET RENO, DOJ, FAITH HOCHBERG, US ATTORNEY/NJ reply to motion for summary judgment due by 12/15/00 ; (N) (rew) (Entered: 12/19/2000) |
| 12/22/2000 | 20 | REPLY by plaintiff WAGNER D. JACKSON JR. in support of motion for summary judgment [13-1] by WAGNER D. JACKSON JR. (ag) (Entered: 12/27/2000) |
| 12/28/2000 | 21 | RESPONSE by plaintiff WAGNER D. JACKSON JR.in opposition to cross motion for summary judgment, pursuant to rule 56 of the Federal Rules of Civil Procedure [14-1] by DOJ . (jdm) (Entered: 12/29/2000) |
| 01/05/2001 | 22 | MOTION filed by federal defendants US ATTORNEY/NJ, FAITH HOCHBERG, DOJ, JANET RENO, and US ATTORNEY FOR DC to extend time to 1/12/01 to file defendants' reply to plaintiff's opposition to defendants' cross-motion for summary judgment and memroandum in support thereof (ag) (Entered: 01/08/2001) |
| 01/09/2001 | <u>23</u> | ORDER by Judge Thomas P. Jackson : granting motion to extend time to 1/12/01 to file defendants' reply to plaintiff's opposition to defendants' cross-motion for summary judgment and memroandum in support thereof [22-1] by US ATTORNEY FOR DC, JANET RENO, DOJ, FAITH HOCHBERG, US ATTORNEY/NJ reply to motion for summary judgment due by 1/12/01 ; (N) (rew) (Entered: 01/12/2001) |

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| 01/12/2001 | 24 | MOTION filed by federal defendant US ATTORNEY/NJ, federal defendant FAITH HOCHBERG, federal defendant DOJ, federal defendant JANET RENO, federal defendant US ATTORNEY FOR DC to extend time to 1/16/01 for one day to file defendants' reply to plaintiff's opposition to defendants' cross-motion for summary judgment in this Freedom of Information Act case. (cas) (Entered: 01/16/2001) |
| 01/16/2001 | 25 | REPLY by federal defendants US ATTORNEY/NJ, FAITH HOCHBERG, DOJ, JANET RENO, and US ATTORNEY FOR DC in support of cross motion for summary judgment, pursuant to rule 56 of the Federal Rules of Civil Procedure [14-1] by DOJ (ag) (Entered: 01/17/2001) |
| 01/22/2001 | <u>26</u> | ORDER by Judge Thomas P. Jackson : granting motion to extend time to 1/16/01 for one day to file defendants' reply to plaintiff's opposition to defendants' cross-motion for summary judgment in this Freedom of Information Act case. [24-1] by US ATTORNEY FOR DC, JANET RENO, DOJ, FAITH HOCHBERG, US ATTORNEY/NJ reply to motion for summary judgment due by 1/16/01 ; (N) (rew) (Entered: 01/23/2001) |
| 12/05/2001 | 27 | STATEMENT filed by federal defendant DOJ, federal defendant US ATTORNEY FOR DC, regarding: mail service at U.S. Attorney's Office. (nmr) (Entered: 12/06/2001) |
| 01/04/2002 | | CASE REASSIGNED from Judge Thomas P. Jackson to Judge John D. Bates (nmr) (Entered: 01/10/2002) |
| 03/28/2002 | | CASE REASSIGNED from Judge Bates to Judge Richard J. Leon (mpt) (Entered: 03/29/2002) |
| 04/08/2003 | 28 | SUBSTITUTION OF COUNSEL for federal defendant, substituting Dorann E. Banks for attorney Michael C. Johnson for US ATTORNEY FOR DC, JANET RENO, DOJ, FAITH HOCHBERG, US ATTORNEY/NJ (nmr) (Entered: 04/09/2003) |
| 08/30/2003 | <u>29</u> | MEMORANDUM OPINION AND ORDER, that the defendant's motion for summary judgement is GRANTED in part and accordingly, summary judgement is granted for the defendant as to plaintiff's claim that defendants improperly invoked Exemption 5 of FOIA; plaintiff's motion for summary judgment as the applicability of Exemption 5 is therefore DENIED; FURTHER ORDERED that defenants to submit within 90 days additional and/or more detailed affidavits describing the processes and procedures followed by the USAO/DNJ when compiling the Jackson file, so that the Court may assess the adequacy of the search, by Judge Richard J. Leon (N) (whb) (Entered: 09/03/2003) |
| 11/25/2003 | <u>30</u> | Consent MOTION for Extension of Time to <i>Submit More Detailed Affidavits</i> by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY. (Banks, Dorann) (Entered: 11/25/2003) |
| 12/05/2003 | <u>31</u> | ORDER granting <u>30</u> Consent MOTION for Extension of Time to Submit More Detailed Affidavits by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY. Defendant to respond by 1/5/04. Signed by Judge Richard J. Leon on 12/4/03. (zwhb) (Entered: 12/05/2003) |
| 01/05/2004 | <u>32</u> | NOTICE by U.S. DEPARTMENT OF JUSTICE of <i>Filing of the Declaration of Lisa H. Jones</i> (Attachments: # <u>1</u> Affidavit)(Banks, Dorann) (Entered: 01/05/2004) |
| 03/15/2004 | <u>33</u> | SECOND MOTION for Summary Judgment by WAGNER D. JACKSON JR.. (jf,) (Entered: 03/17/2004) |
| 03/29/2004 | <u>34</u> | Consent MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE. (Banks, Dorann) (Entered: 03/29/2004) |
| 04/05/2004 | | MINUTE ORDER granting <u>34</u> Motion for Extension of Time until April 12, 2004 to File Response/Reply re <u>33</u> MOTION for Summary Judgment . Signed by Judge Richard J. Leon on 04/05/04. (lcrj11,) (Entered: 04/05/2004) |

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| 04/12/2004 | <u>35</u> | Supplemental MOTION for Summary Judgment by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY. (Banks, Dorann) (Entered: 04/12/2004) |
| 04/20/2004 | <u>36</u> | REPLY in support of second motion <u>33</u> for summary judgment by WAGNER D. JACKSON JR.. (jf,) (Entered: 04/25/2004) |
| 04/20/2004 | 37 | Memorandum in opposition to defendants' renewed motion <u>35</u> for summary judgment filed by WAGNER D. JACKSON JR.. (to view document, click on link #36) (jf,) (Entered: 04/25/2004) |
| 02/23/2005 | <u>38</u> | MEMORANDUM OPINION AND ORDER. Signed by Judge Richard J. Leon on 2/22/05. (whb) (Entered: 02/23/2005) |
| 02/23/2005 | <u>39</u> | JUDGMENT in favor of plaintiff against defendants. Signed by Judge Richard J. Leon on 2/22/05. (whb) (Entered: 02/23/2005) |
| 02/24/2005 | <u>40</u> | NOTICE of Appearance by Marianela Peralta on behalf of UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, U.S. DEPARTMENT OF JUSTICE, JANET RENO, US ATTORNEY FOR THE DISTRICT OF COLUMBIA (Peralta, Marianela) (Entered: 02/24/2005) |
| 04/21/2005 | <u>41</u> | NOTICE OF APPEAL as to <u>39</u> Judgment filed on 02/23/05 by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, U.S. DEPARTMENT OF JUSTICE, JANET RENO, US ATTORNEY FOR THE DISTRICT OF COLUMBIA. Government, No Fee. (jf,) (Entered: 04/22/2005) |
| 04/22/2005 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>41</u> Notice of Appeal (jf,) (Entered: 04/22/2005) |
| 04/29/2005 | | USCA Case Number 05-5149 for <u>41</u> Notice of Appeal filed by JANET RENO,, U.S. DEPARTMENT OF JUSTICE,, US ATTORNEY FOR THE DISTRICT OF COLUMBIA,, UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY,, (jf,) (Entered: 05/02/2005) |
| 05/18/2005 | <u>42</u> | ENTERED IN ERROR.....STATUS REPORT & <i>Defendant's Response to the Court's Order and Additional Citations Regarding the Adequacy of Defendants' Search</i> by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, FAITH HOCHBERG, U.S. DEPARTMENT OF JUSTICE, JANET RENO, US ATTORNEY FOR THE DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Exhibit Declaration of Lisa H. Jones and Exhibits 1 and 2)(Peralta, Marianela) Modified on 5/19/2005 (jf,). (Entered: 05/18/2005) |
| 05/19/2005 | | NOTICE OF CORRECTED DOCKET ENTRY: Document No. 42 was entered in error and counsel was instructed to refile said pleading as a Response. (jf,) (Entered: 05/19/2005) |
| 05/19/2005 | <u>43</u> | RESPONSE to the Court's Order and additional citations regarding the adequacy of its search <u>38</u> , <u>39</u> filed by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, FAITH HOCHBERG, U.S. DEPARTMENT OF JUSTICE, JANET RENO, US ATTORNEY FOR THE DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Exhibit)(Peralta, Marianela) (Entered: 05/19/2005) |
| 06/02/2005 | <u>44</u> | MOTION to Strike <u>43</u> Defendant's Response to Court's Order and additional citations regarding the adequacy of its search by WAGNER D. JACKSON, JR. (jf,) (Entered: 06/06/2005) |
| 06/13/2005 | <u>45</u> | Memorandum in opposition to motion re <u>44</u> to Strike filed by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, FAITH HOCHBERG, U.S. DEPARTMENT OF JUSTICE, JANET RENO, US ATTORNEY FOR THE DISTRICT OF COLUMBIA. (Peralta, Marianela) (Entered: 06/13/2005) |
| 06/21/2005 | <u>46</u> | REPLY to opposition to motion to strike <u>44</u> filed by WAGNER D. JACKSON, JR. (jf,) (Entered: 06/23/2005) |
| 09/02/2005 | <u>47</u> | ORDER of USCA (certified copy) as to <u>41</u> Notice of Appeal filed by JANET RENO,, U.S. DEPARTMENT OF JUSTICE,, US ATTORNEY FOR THE DISTRICT OF COLUMBIA,, UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY; It is hereby ordered that the motion to hold appeal |

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| | | in abeyance be granted and the appeal be held in abeyance pending Distirct Court action on appellatnt's motion to dismiss; The parties are directed to file motions to govern further proceedings within 30 days of the District Court's disposition of the motion to dismiss;USCA#05-5149 (jsc) (Entered: 09/19/2005) |
| 10/07/2005 | <u>48</u> | NOTICE of Appearance by Karen L. Melnik on behalf of all defendants (Melnik, Karen) (Entered: 10/07/2005) |
| 11/26/2005 | | MINUTE ORDER denying <u>44</u> Motion to Strike. Signed by Judge Richard J. Leon on 11/26/05. (lcrjl1) (Entered: 11/26/2005) |
| 05/19/2006 | 49 | MOTION to Dismiss by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, U.S. DEPARTMENT OF JUSTICE, US ATTORNEY FOR THE DISTRICT OF COLUMBIA. (to view document, click on link # <u>43</u>) (jf,) (Entered: 07/21/2006) |
| 07/21/2006 | | Supplemental Record on Appeal transmitted to US Court of Appeals re <u>41</u> Notice of Appeal (jf,) (Entered: 07/21/2006) |
| 12/16/2006 | | MINUTE ORDER: On May 19, 2005, Defendant submitted a Motion to Dismiss 49 plaintiff's complaint. As of the date of this order, plaintiff has not filed an opposition to this motion. It is hereby ORDERED that plaintiff file a response, if any, to the defendant's Motion to Dismiss no later than December 30, 2006. If the plaintiff fails to respond, the Court may treat the motion as conceded pursuant to Local Rule 7(b) and dismiss the complaint against defendant. Signed by Judge Richard J. Leon on 12/16/06. (lcrjl1) (Entered: 12/16/2006) |
| 01/08/2007 | <u>50</u> | ORDER dismissing the case as to all defendants. Signed by Judge Richard J. Leon on 1/4/07. (whb) (Entered: 01/08/2007) |
| 01/16/2007 | <u>51</u> | MOTION for Reconsideration re <u>50</u> Order dismissing the case as to all defendants. by WAGNER D. JACKSON, JR. (jf,) (Entered: 01/18/2007) |
| 01/26/2007 | <u>52</u> | Memorandum in opposition to re <u>51</u> MOTION for Reconsideration re <u>50</u> Order filed by UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY, FAITH HOCHBERG, U.S. DEPARTMENT OF JUSTICE, JANET RENO, US ATTORNEY FOR THE DISTRICT OF COLUMBIA. (Melnik, Karen) (Entered: 01/26/2007) |
| 02/05/2007 | <u>53</u> | REPLY to opposition to <u>51</u> MOTION for Reconsideration re <u>50</u> Order filed by WAGNER D. JACKSON, JR. (jf,) (Entered: 02/06/2007) |
| 02/07/2007 | | MINUTE ORDER denying <u>51</u> Motion for Reconsideration. Signed by Judge Richard J. Leon on 2/7/07. (lcrjl1) (Entered: 02/07/2007) |
| 02/16/2007 | <u>54</u> | NOTICE OF APPEAL as to <u>50</u> Order by WAGNER D. JACKSON, JR. Filing fee \$ 455, receipt number 4616002363. Fee Status: Fee Paid. Parties have been notified. (jf,) (Entered: 02/16/2007) |
| 02/16/2007 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>54</u> Notice of Appeal (jf,) (Entered: 02/16/2007) |
| 03/08/2007 | | USCA Case Number 07-5071 for <u>54</u> Notice of Appeal filed by WAGNER D. JACKSON, JR.. (jf,) (Entered: 03/09/2007) |
| 06/06/2007 | <u>55</u> | ORDER of USCA (certified copy)that the motion to dismiss Federal appellatnt's appeal be granted, and No. 05-5149 is hereby dismissed. The on-going appeal in No. 07-5071 is unaffected by this order. (erd) (Entered: 06/14/2007) |
| 12/13/2007 | <u>56</u> | MANDATE of USCA (certified copy) as to <u>54</u> Notice of Appeal filed by WAGNER D. JACKSON, JR. It is ORDERED that the motion for summary affirmance be granted. (kb) (Entered: 12/17/2007) |