Case: 1:08-cv-03696 Document #: 78 Filed: 01/18/11 Page 1 of 12 PageID #:366



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS 219 SOUTH DEARBORN STREET CHICAGO, ILLINOIS 60604

312-435-5670

January 18, 2011

·	
Mr. Gino J. Agnello, Clerk U.S. Court of Appeals-Seventh Circuit 219 South Dearborn Street-Room 2722 Chicago, Illinois 60604	
RE: National Rifle Association of America, Inc. Et	al v. Village of Oak Park et al
U.S.D.C. DOCKET NO.: 08cv3696	
U.S.C.A. DOCKET NO.: 10-3965	
Dear Mr. Agnello:	
Please find attached the original record on appeal c	consisting of the following:
ELECTRONIC VOLUME(S) OF PLEADING(S)	1
VOLUME(S) OF TRANSCRIPT(S)	
VOLUME(S) OF DEPOSITION(S)	
EXHIBITS:	
VAULT ITEMS:	
OTHER (SPECIFY):	
SPECIAL NOTE:	
Please acknowledge date of receipt of the above meletter.	entioned materials on the attached copy of this
Ve	ery truly yours,
M	ichael W. Dobbins, Clerk
Ву	y:
	G. Lewis, Deputy Clerk

I, MICHAEL W. DOBBINS, CLERK of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, and together with a true copy of docket entries as they appear in the official dockets in this office, consisting of:

1 Electronic Volume of Pleadings

In the cause entitled: National Rifle Association of America, Inc. Et al v. Village of Oak Park et al.

USDC NO. : 08cv3696 USCA NO. : 10-3965

IN TESTIMONY WHEREOF, I hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois, this 18th day of January 2011.

MICHAEL W. DOBBINS, CLERK

By: _______
G. Lewis, Deputy Clerk

A TRUE COPY-ATTEST MICHAEL W. DOBBINS, CLERK

DEPUTY CLERK U.S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

DATE: JANUARY 18, 201

Case: 1:08-cv-03696 Document #: 78 Filed: 01/18/11 Page 3 of 12 PageID #:368

APPEAL, ASHMAN, TERMED

United States District Court Northern District of Illinois - CM/ECF LIVE, Ver 4.2 (Chicago) CIVIL DOCKET FOR CASE #: 1:08-cv-03696 **Internal Use Only**

National Rifle Association of America, Inc. et al v.

Village of Oak Park et al

Assigned to: Honorable Milton I. Shadur

Case in other court: 08-04243

10-03965

Cause: 28:2201 Injunction

Date Filed: 06/27/2008 Date Terminated: 12/18/2008

Jury Demand: Defendant

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: Federal Question

Plaintiff

National Rifle Association of America, Inc.

represented by William Nicholas Howard

Freeborn & Peters 311 South Wacker Drive

Suite 3000

Chicago, IL 60606 (312)360-6000

Email: whoward@freebornpeters.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen P. Halbrook

Attorney at Law

10560 Main St., Suite 404

Fairfax, VA 22030 (703) 352-7276

Email: protell@aol.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Plaintiff

Robert Klein Engler

represented by William Nicholas Howard (See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen P. Halbrook

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Plaintiff

Dr. Gene A. Reisinger

represented by William Nicholas Howard

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen P. Halbrook

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

V.

Defendant

Village of Oak Park

represented by Lance C. Malina

Klein, Thorpe & Jenkins, Ltd. 20 North Wacker Drive Suite 1660 Chicago, IL 60606-2903 (312) 984-6400 Email: lcmalina@ktjnet.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

Alexandra Elaine Shea

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ATTORNEY TO BE NOTICED

Jacob Henry Karaca

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Ranjit James Hakim

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Email:
courtnotification@mayerbrown.com
ATTORNEY TO BE NOTICED

Defendant

David Pope

President TERMINATED: 09/19/2008 represented by Lance C. Malina

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jacob Henry Karaca

(See above for address)

ATTORNEY TO BE NOTICED

Movant

Otis McDonald

Movant

David Lawson

Movant

Colleen Lawson

Movant

Adam Orlov

Movant

Second Amendment Foundation, Inc.

Movant

Illinois State Rifle Association

Date Filed	#	Docket Text
06/27/2008	1	COMPLAINT filed by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger; Filing fee \$350.(hp,) (Entered: 06/30/2008)
06/27/2008	2	CIVIL Cover Sheet (hp,) (Entered: 06/30/2008)
06/27/2008	<u>J</u>	ATTORNEY Appearance for Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger by William Nicholas Howard (hp,) (Entered: 06/30/2008)
06/27/2008	4	LR 3.2 Notification of Affiliates by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger (hp,) (Entered: 06/30/2008)
06/27/2008	<u>5</u>	(Court only) RECEIPT regarding payment of filing fee paid on 6/27/2008 in the amount of \$350.00, receipt number 2894293 (hp,) (Entered: 06/30/2008)
07/07/2008	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752000000002913710. (Halbrook, Stephen) (Entered: 07/07/2008)
07/23/2008	7	ATTORNEY Appearance for Defendants Village of Oak Park, David Pope by Jacob Henry Karaca (Karaca, Jacob) (Entered: 07/23/2008)
07/23/2008	8	SUMMONS Issued as to Defendants Village of Oak Park, David Pope. (ep,) (Entered: 07/24/2008)
07/28/2008	9	ATTORNEY Appearance for Defendants Village of Oak Park, David Pope by Lance C. Malina (Malina, Lance) (Entered: 07/28/2008)
07/30/2008	<u>10</u>	EXECUTIVE COMMITTEE ORDER: Case reassigned to the Honorable Milton I. Shadur for all further proceedings. Case No. 08 C 3696 is related to

		Case No. 08 C 3645. (For further details see order.) Signed by Honorable Milton I. Shadur on 7/29/2008. (hp,) (Text Modified on 8/18/2008)(hp,). (Entered: 08/04/2008)
07/30/2008		Case Reassigned to the Honorable Milton I. Shadur. The Honorable Joan H. Lefkow no longer assigned to the case. Cases associated: Case No. 08 C 3696 is related to Case No. 08 C 3645. (hp,) (Entered: 08/18/2008)
08/14/2008		AFFIDAVIT of Service filed by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger regarding Summons and Complaint served on Village of Oak Park and David Pope on August 1, 2008 (Howard, William) (Entered: 08/14/2008)
08/18/2008		MINUTE entry before the Honorable Milton I. Shadur:Status hearing held on 8/18/2008. Status hearing set for 9/10/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 08/18/2008)
08/22/2008		MINUTE entry before the Honorable Milton I. Shadur: Steven Holbrook's motion for leave to appear pro hac vice $\underline{6}$ is granted. Mailed (vmj,) (Entered: $08/25/2008$)
09/02/2008	<u>14</u>	MOTION by Defendants Village of Oak Park, David Pope to dismiss Plaintiffs' Claims Against David Pope (Malina, Lance) (Entered: 09/02/2008)
09/02/2008		NOTICE of Motion by Lance C. Malina for presentment of motion to dismiss 14 before Honorable Milton I. Shadur on 9/10/2008 at 09:00 AM. (Malina, Lance) (Entered: 09/02/2008)
09/02/2008	<u>16</u>	ANSWER to Complaint with Jury Demand by Village of Oak Park, David Pope(Malina, Lance) (Entered: 09/02/2008)
09/02/2008	<u>17</u>	NOTICE by Village of Oak Park, David Pope re answer to complaint 16 (Malina, Lance) (Entered: 09/02/2008)
09/10/2008		MINUTE entry before the Honorable Milton I. Shadur:Motion to dismiss 14 is entered and continued. Plaintiff's response is due September 22, 2008. Status hearing held on 9/10/2008. Status hearing set for 11/10/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 09/10/2008)
09/18/2008	1)	Engler, Gene A. Reisinger to MOTION by Defendants Village of Oak Park, David Pope to dismiss <i>Plaintiffs' Claims Against David Pope</i> 14 (Howard, William) (Entered: 09/18/2008)
09/19/2008		MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order. Motion to dismiss David Pope 14 is granted. David Pope is dismissed as a defendant with prejudice and without the imposition of any conditions. David Pope terminated.Mailed notice (srn,) (Entered: 09/19/2008)
09/19/2008	21	MEMORANDUM Order Signed by the Honorable Milton I. Shadur on 9/19/2008:Mailed notice(srn,) (Entered: 09/19/2008)

10/21/2008		MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger to strike <i>Jury Demand</i> (Howard, William) (Entered: 10/21/2008)
10/21/2008	<u>23</u>	NOTICE of Motion by William Nicholas Howard for presentment of motion to strike 22 before Honorable Milton I. Shadur on 10/28/2008 at 09:15 AM. (Howard, William) (Entered: 10/21/2008)
10/23/2008	<u>24</u>	MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. ReisingerTo Brief Threshold Legal Issues and Stay Discovery, MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger to stay <i>discovery</i> (Attachments: # 1 Notice of Filing, # 2 Certificate of Service)(Howard, William) (Entered: 10/23/2008)
10/28/2008	<u>23</u>	MINUTE entry before the Honorable Milton I. Shadur:Motion to strike 22 is entered and continued to November 10, 2008 at 9:15 a.m. Motion to stay discovery 24 is granted; Motion hearing held on 10/28/2008. Status hearing set for 12/4/2008 at 09:00 AM. Parties' submission is due on or before December 1, 2008.Mailed notice (srn,) (Entered: 10/29/2008)
11/07/2008	20	MINUTE entry before the Honorable Milton I. Shadur:Motion to strike 22 is denied as moot. By agreement of the parties the jury demand is withdrawn. Status hearing set for 12/4/2008 at 09:00 AM. The November 10 status date is stricken.Mailed notice (srn,) (Entered: 11/07/2008)
12/01/2008	<u>21</u>	MEMORANDUM by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger in Support of Claim That the Second Amendment is Incorporated into the Fourteenth Amendment so as to be Applicable to States and Localities (Howard, William) (Entered: 12/01/2008)
12/03/2008	<u>20</u>	MINUTE entry before the Honorable Milton I. Shadur:The December 4, 2008 status date is stricken. This Court will set a new status date after the completion of the trial that it is currently conducting.Mailed notice (srn,) (Entered: 12/03/2008)
12/04/2008	<u>2)</u>	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Opinion and Order. Status hearing set for 12/9/2008 at 08:45 AM.Mailed notice (srn,) (Entered: 12/04/2008)
12/04/2008		MEMORANDUM Opinion and Order Signed by the Honorable Milton I. Shadur on 12/4/2008:Mailed notice(srn,) (Entered: 12/04/2008)
12/08/2008	1.71	ATTORNEY Appearance for Defendant Village of Oak Park by Marc Richard Kadish (Kadish, Marc) (Entered: 12/08/2008)
12/08/2008		ATTORNEY Appearance for Defendant Village of Oak Park by Alexandra Elaine Shea (hp,) (Entered: 12/10/2008)
12/09/2008	<u>32</u>	MINUTE entry before the Honorable Milton I. Shadur:Status hearing held on 12/9/2008. Counsel is to submit a draft order for consideration. Status hearing

	set for 12/18/2008 at 08:45 AM.Mailed notice (srn,) (Entered:	12/09/2008)
12/18/2008	NOTICE of appeal by National Rifle Association of America, Relian Engler, Gene A. Reisinger, Filing fee \$ 455, receipt num 0752000000003368275. (Howard, William) Modified on 12/1 (Entered: 12/18/2008)	ber
12/18/2008	MINUTE entry before the Honorable Milton I. Shadur: Status Pursuant to the Stipulation of Dismissal filed 12/18/2008, Cour Complaint is hereby dismissed with prejudice. Enter Order. The hereby grants the oral motion of the City of Chicago pursuant to P. 12(c) for judgment on the pleadings on Counts I and II of the Judgment is hereby entered in favor of the City of Chicago and Plaintiffs on Counts I and II of the Complaint. (For further deta order.) Civil case terminated. Mailed notice (hp,) (Entered: 12)	rt III of the is Court to Fed. R. Civ. e Complaint. I against ail see separate
12/18/2008	ORDER Signed by the Honorable Milton I. Shadur on 12/18/20 notice(hp,) (Entered: 12/18/2008)	008: Mailed
12/18/2008	37 ENTERED JUDGMENT on 12/18/2008: Mailed notice(hp,) (12/18/2008)	Entered:
12/18/2008	STIPULATION of Dismissal of Count III of the Complaint Wi (Howard, William) (Entered: 12/18/2008)	th Prejudice
12/19/2008	TRANSMITTED to the 7th Circuit the short record on notice of Notified counsel (gej,) (Entered: 12/19/2008)	of appeal 34.
12/19/2008	NOTICE of Appeal Due letter sent to counsel of record. (gej,) 12/19/2008)	(Entered:
12/19/2008	ACKNOWLEDGEMENT of receipt of short record on appeal notice of appeal 34; USCA Case No. 08-4243 (Attachment # 1 Docketing) (hp,). (Entered: 12/22/2008)	
01/16/2009	TRANSMITTED to the USCA for the 7th Circuit the long reconstruction of 1 volume of pleadings. (01/16/2009)	
01/20/2009	USCA RECEIVED on 1/20/2009 the long record regarding not 34. (gej,) (Entered: 01/22/2009)	tice of appeal
06/24/2009	LETTER from the Seventh Circuit returning the record on appeno. 08-4241 consisting of three volumes of pleadings. (hp,) (E 06/26/2009)	
12/31/2009	CERTIFIED copy of order dated 12/30/2009 from the Seventh regarding notice of appeal 34; Appellate case no.: 08-4241 & Pursuant to a request from the Supreme Court of the United Sta 12/22/2009. The original record on appeal has been returned to Court upon issuance of this Court's mandate. This Court, by co document, requests the District Court to transmit the record direction.	08-4243. ates dated the District py of this

	Supreme Court. (hp,) (Entered: 12/31/2009)	
12/31/2009	(Court only) FORWARDED copy of USCA order dated 12/30/2009 to the Appeal's Clerk. (hp,) (Entered: 12/31/2009)	;
01/04/2010	TRANSMITTED to the US Supreme Court the long record on appeal 34 (USCA no. 08-4243)(US Supreme Ct #08-1521)(via E-mail) (dj,) (Entere 01/04/2010)	d:
09/16/2010	LETTER from the Seventh Circuit regarding the record on appeal in USC no. 08-4243. The is no record to be returned. (hp,) (Entered: 09/17/2010)	Ā
09/16/2010	FINAL JUDGMENT of USCA dated 8/25/2010 regarding notice of appear USCA No. 08-4243. ON REMAND FROM THE UNITED STATES SUPREME COURT We VACATE the district courts judgments and REMAND with instructions to dismiss as moot. The above is in accordance with the decision of this court entered on thisdate. Appellants (McDonald NRA) recover costs. (hp,) (Entered: 09/17/2010)	ce
09/16/2010	CERTIFIED COPY OF ORDER from the USCA for the Seventh Circuit Decided 8/25/2010. If plaintiffs believe that the repeals entitle them to attorneys fees under 28 U.S.C. §1988, they may file appropriate motions in the district court. We do not express any opinion on the question whether repealers, enacted before the Supreme Court's decision could be implement on remand, affect the availability of fees under the approach of Buckhanne Board & Care Home, Inc. v. West Virginia Department of Health & Huma Resources, 532 U.S. 598 (2001). (hp,) (Entered: 09/17/2010)	the nted on
09/16/2010	BILL OF COSTS dated 9/16/2010 from the Seventh Circuit regarding not of appeal 34; Appellate case no.: 08-4243. Taxed in Favor of: Appellants 08-4244 - Colleen Lawson, David Lawson, Otis McDonald, Adam Orlov a Second Amendment Foundation, Incorporated, in the amount of: \$829.26. (hp,) (Entered: 09/17/2010)	s in and
09/16/2010	BILL OF COSTS dated 9/16/2010 from the Seventh Circuit regarding not of appeal 34; Appellate case no.: 08-4243. Taxed in Favor of: Appellant 08-4241- National Rifle Association of America, Incorporated. BILL OF COSTS issued in the amount of: \$902.80. (hp,) (Entered: 09/17/2010)	
09/16/2010	BILL OF COSTS dated 9/16/2010 from the Seventh Circuit regarding not of appeal 34; Appellate case no.: 08-4243. Taxed in Favor of: Appellant : 08-4243 - National Rifle Association of America, Incorporated in the amount of \$450.00. (hp,) (Entered: 09/17/2010)	in
10/12/2010	MINUTE entry before Honorable Milton I. Shadur:This action is hereby dismissed as moot.Mailed notice (srn,) (Entered: 10/12/2010)	
10/21/2010	MOTION by Plaintiffs Robert Klein Engler, National Rifle Association of America, Inc., Gene A. Reisinger for attorney fees (Motion for Entry of Schedule for Motion for Attorneys' Fees) (Howard, William) (Entered:	?

		10/21/2010)
10/21/2010	33	NOTICE of Motion by William Nicholas Howard for presentment of motion for attorney fees <u>54</u> before Honorable Milton I. Shadur on 10/26/2010 at 09:15 AM. (Howard, William) (Entered: 10/21/2010)
10/25/2010		ATTORNEY Appearance for Defendant Village of Oak Park by Ranjit James Hakim (Hakim, Ranjit) (Entered: 10/25/2010)
10/26/2010	<u>51</u>	MINUTE entry before Honorable Milton I. Shadur:Motion for attorney fees 54 is entered and continued. Simultaneous cross filings and supporting memorandum as to prevailing party status are to be filed on or before 11/23/10. Motion hearing held on 10/26/2010. Status hearing set for 11/29/2010 at 08:45 AM.Mailed notice (srn,) (Entered: 10/26/2010)
11/10/2010	1.70	MOTION by Defendant Village of Oak Park for extension of time to file briefs regarding prevailing party status (unopposed) (Hakim, Ranjit) (Entered: 11/10/2010)
11/10/2010	39	NOTICE of Motion by Ranjit James Hakim for presentment of motion for extension of time to file <u>58</u> before Honorable Milton I. Shadur on 11/16/2010 at 09:15 AM. (Hakim, Ranjit) (Entered: 11/10/2010)
11/12/2010	00	MINUTE entry before Honorable Milton I. Shadur:Motion for extension of time to file briefs regarding prevailing party status to and including December 15, 2010 58 is granted. Status hearing reset for 12/21/2010 at 09:00 AM. The 11/29/10 status is vacated. Mailed notice (srn,) (Entered: 11/12/2010)
12/15/2010	01	MEMORANDUM by Robert Klein Engler, National Rifle Association of America, Inc., Gene A. Reisinger in Support of Plaintiffs' "Prevailing Party" Status in Relation to Their Motion for Attorney's Fees (Attachments: # 1 Appendix)(Howard, William) (Entered: 12/15/2010)
12/15/2010	02	MEMORANDUM by Village of Oak Park, of Law Contesting Plaintiffs' Status as Prevailing Parties Entitled to Attorneys' Fees. (Attachments: # 1 Exhibit 1)(Hakim, Ranjit) (Entered: 12/15/2010)
12/21/2010		MOTION by Movants Otis McDonald, David Lawson, Colleen Lawson, Adam Orlov, Second Amendment Foundation, Inc., Illinois State Rifle AssociationHold Fee Proceedings In Abeyance (Attachments: # 1 Declaration of Alan Gura)(Sigale, David) (Entered: 12/21/2010)
12/21/2010	04	NOTICE of Motion by David G. Sigale for presentment of motion for miscellaneous relief <u>63</u> before Honorable Milton I. Shadur on 12/28/2010 at 09:15 AM. (Sigale, David) (Entered: 12/21/2010)
12/21/2010	<u>65</u>	MINUTE entry before Honorable Milton I. Shadur:Status hearing held on 12/21/2010.Mailed notice (srn,) (Entered: 12/21/2010)
12/22/2010	- 100	MINUTE entry before Honorable Milton I. Shadur: Enter Memorandum Opinion and Order. Accordingly NRA's Motions for Section 1988 fee awards

		are denied. 54 Mailed notice (srn,) (Entered: 12/22/2010)
12/22/2010	<u>67</u>	MEMORANDUM Opinion and Order Signed by the Honorable Milton I. Shadur on 12/22/2010:Mailed notice(srn,) (Entered: 12/22/2010)
12/27/2010		NOTICE of appeal by National Rifle Association of America, Inc., Gene A. Reisinger regarding orders 67 Filing fee \$ 455, receipt number 0752-5553133. (Attachments: # 1 Exhibit A)(Howard, William) (Entered: 12/27/2010)
12/27/2010		Notice of Withdrawl of Motion to Hold Fee Proceedings In Abeyance by Illinois State Rifle Association, Colleen Lawson, David Lawson, Otis McDonald, Adam Orlov, Second Amendment Foundation, Inc. (Sigale, David) (Entered: 12/27/2010)
12/27/2010	<u>70</u>	NOTICE by Illinois State Rifle Association, Colleen Lawson, David Lawson, Otis McDonald, Adam Orlov, Second Amendment Foundation, Inc. re other 69 (Sigale, David) (Entered: 12/27/2010)
12/28/2010	71	MINUTE entry before Honorable Milton I. Shadur:Motion to hold fee proceeding in abeyance 63 is denied. Mailed notice (srn,) (Entered: 12/28/2010)
12/28/2010	12	NOTICE of Appeal Due letter sent to counsel of record. (gel,) (Entered: 12/28/2010)
12/28/2010	<u>73</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>68</u> . Notified counsel (gel,) (Entered: 12/28/2010)
12/28/2010	<u>74</u>	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal 68; USCA Case No. 10-3965. (hp,) (Entered: 12/29/2010)
01/07/2011		SEVENTH CIRCUIT transcript information sheet by National Rifle Association of America, Inc., Gene A. Reisinger (Howard, William) (Entered: 01/07/2011)
01/07/2011		MINUTE entry before Honorable Milton I. Shadur:Enter Supplement to Memorandum Opinions and Orders. And that, given the intervening repeal of the ordinance, was clearly a dismissal for mootness, again not a Buckhannon - qualifying ruling.Mailed notice (srn,) (Entered: 01/10/2011)
01/07/2011	77	SUPPLEMENT TO MEMORANDUM Opinions and Orders Signed by the Honorable Milton I. Shadur on 1/7/2011: Mailed notice(srn,) (Entered: 01/10/2011)

KEY

All items are included in this record.