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Dated: October 4, 2012

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Frances S. Cohen, certify that on October 3, 2012, I conferred in good faith with Richard C. MacFarland, counsel for the Defendant, and that we were unable to resolve or narrow the issues presented by this motion.

Dated: October 4, 2012

/s/Frances S. Cohen
Frances S. Cohen