



Legal Ethics Mystery Thrillers
Wednesday, March 25, 2026
Wilmington University, Brandywine Campus
Agenda

Presenters:

Richard K. Herrmann, Esq.

Ian Connor Bifferato, Esq.

Office of Disciplinary Counsel

Check In: 4:30 p.m. – 5:00 p.m.

5:00 p.m. - 5:45 p.m. The Witness Who Knew Too Much
Presentation of first case study and discussion

5:45 p.m. - 6:30 p.m. The Watchers
Presentation of second case study and discussion

This ethics-focused CLE uses fictional legal thrillers to explore real-world professional responsibility dilemmas arising from personal relationships with witnesses, conflicts of interest, and looming perjury on the eve of trial. Through the story of *Nexcore Industries v. The Delaware News Journal*, participants will analyze duties under the Delaware Rules of Professional Conduct, including conflicts (Rules 1.7 and 1.8), candor to the tribunal (Rule 3.3), confidentiality and privilege (Rule 1.6), withdrawal (Rule 1.16), and reporting misconduct (Rule 8.3). Guided discussion questions invite attendees to assess remedial options, risk management strategies, and best practices for navigating ethical crises while protecting clients, the court, and one's law license.

This seminar offers 1.5 ethics credits to Delaware and Pennsylvania Attorneys; 1.8 ethics credits to New Jersey Attorneys.

Moderator and Speaker Bios

Connor Bifferato is director of The Bifferato Firm. He has mediated well over 1,000 commercial disputes, including commercial bankruptcy litigation, secured lender disputes, general corporate litigation, creditors' rights issues and appellate resolution. He also frequently serves as an arbitrator for single and triple panel, binding and nonbinding arbitrations.

He is University Legal Counsel to Wilmington University and has been fortunate to work with the University on the development and opening of Wilmington University School of Law. Connor also provides legal advice to Wilmington University and has been privileged to work with the University's Board as well as University Administration and faculty.

Connor is currently President Elect of the Delaware State Bar Association (the "DSBA") and serves on the DSBA Finance Committee, DSBA Executive Committee, as well as numerous other Committees and Sections of the DSBA. Connor is also a member of the Federal Bar Association and the American Association for Justice. He frequently participates in the development of innovative and practical CLE programs. In general, Connor's focus is to continue to use his significant complex and commercial litigation experience to advance the substantial benefits of ADR generally, and mediation specifically, in the resolution of any stage, including pre-suit.

Robert D. Cecil, Jr. is currently Deputy Disciplinary Counsel for the Delaware Supreme Court's Office of Disciplinary Counsel. He started with ODC in August

2024, after 15 years in private practice. Before joining ODC, he was a Director with the law firm of Tybout, Redfearn & Pell, where he practiced primarily in civil and commercial litigation.

Richard K. Herrmann consults at Wilmington University in emerging and innovative technologies. He is the Associate Director of Research at the Center for Legal and Court Technology at William and Mary Law School in Williamsburg Virginia. He serves on the Delaware Supreme Court's Commission on Law and Technology and is on the Executive Committees of the American Inns of Court m's Virtual AI Inn and the Richard K.Herrmann Technology Inn.

Jessica Tyler, ODC

Jessica Tyler is currently Chief Disciplinary Counsel for the Delaware Supreme Court's Office of Disciplinary Counsel. Ms. Tyler started with ODC as a Deputy Disciplinary Counsel in 2022. She came to the Court from her position as Shareholder with the law firm of Marshall Dennehey Warner Coleman & Goggin, where she practiced civil litigation defense in the firm's Wilmington office. Before entering private practice, Ms. Tyler served as a law clerk to Judge Mark D. Buckworth and Judge Jay H. Conner (ret.) in Delaware Family Court.

LEGAL ETHICS

MYSTERY THRILLERS

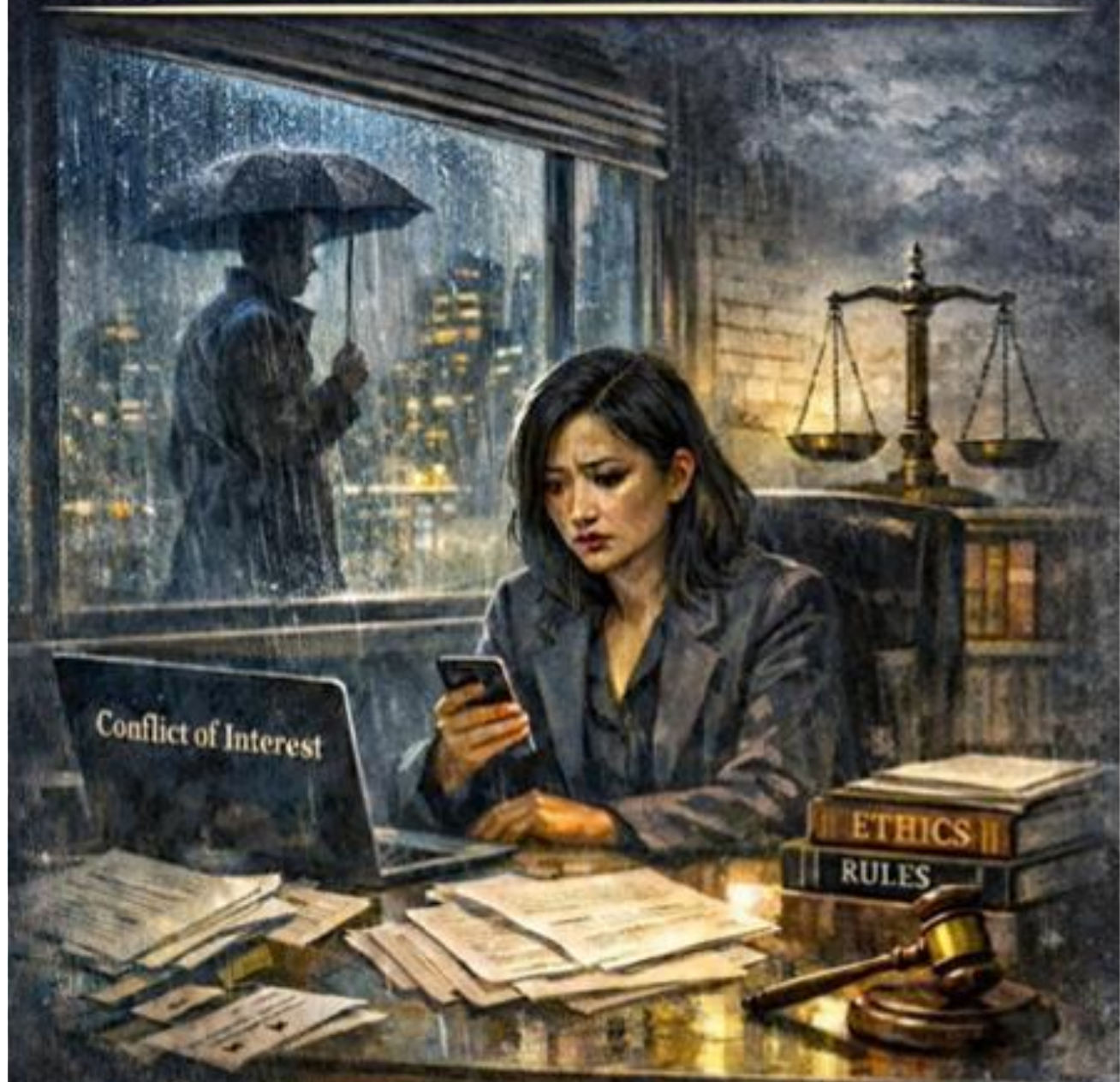


Case Studies in Legal Ethics

*Designed by Richard K. Herrmann, Esquire
in collaboration with his AI Agents*

another Legal Ethics Mystery Thriller

THE WITNESS WHO KNEW TOO MUCH



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THE WITNESS WHO KNEW TOO MUCH

The rain hammered against the windows of Morris & Pierce LLP's corner office on Market Street in Wilmington as Rachel Lindsay stared at her phone, willing it not to ring again.

"We need to talk," Nathan Graham's voice was ice. "Tonight."

Rachel closed her eyes. Six months ago, Nathan had been the answer to everything—charming, successful, unexpectedly vulnerable. Now he was a loaded gun pointed at her career.

"Nathan, we agreed—"

"You agreed. I'm done being your dirty little secret, Rachel. Especially now that I know what you really needed me for."

The line went dead.

Rachel pulled up the trial file: Nexcore Industries v. The Delaware News Journal. Fifteen million dollars. Her client was suing the newspaper over articles alleging environmental violations.

And Nathan Graham—Nexcore's VP of Marketing—was their star witness.

THE PROBLEM

Nathan would testify that quotes attributed to him were fabricated. His testimony would destroy the newspaper's defense.

There was just one problem: Rachel had started sleeping with him four months ago, two months after taking the case.

Her phone buzzed. A text: "Proof of Life Coffee. One hour. Or I tell them everything."

* * *

Proof of Life was nearly empty when Rachel arrived. Nathan sat in the back corner booth, nursing something dark and bitter.

"You used me," he said quietly.

"That's not fair—"

"Isn't it? I went over the depositions tonight, Rachel. You knew exactly which questions to ask, exactly what I'd say. Because I'd already told you. In bed. Over dinner. During our weekend in Rehoboth Beach when I thought we were planning a future together."

THE CONFRONTATION

"The relationship was real—"

"Was it? Because from where I'm sitting, it looks like you targeted the one person who could win your case. Got close to him. Got him to trust you. And now you're going to march me up on that witness stand and use everything I shared with you in confidence to make your client millions while destroying a newspaper that actually told the truth."

"You don't understand—"

"Oh, I understand perfectly. What I don't understand is how you sleep at night. Because here's what I learned today, Rachel. There are ethics rules about this. Conflicts of interest. I read about a case—In re Cupples, Delaware Supreme Court—where an attorney was suspended for having a sexual relationship with a witness that compromised her professional judgment."

Rachel felt the room tilt.

"Are you threatening me?"

THE TRUTH REVEALED

"I'm telling you what I'm going to do. Tomorrow morning, I'm calling your client and explaining that I can't testify. That I have a conflict of interest. And if they ask me what that conflict is, I'll tell them the truth."

"Nathan, if you do that—"

"What? You'll lose the case? Good. Because those articles were accurate, Rachel. Every word. I did tell that reporter about the contamination. We did know about the EPA violations. And Nexcore paid me two hundred thousand dollars to say I was misquoted and didn't understand the technical aspects of our operations."

The words hit Rachel like a physical blow.

"You're lying."

Nathan stood, dropping a twenty on the table. "Am I? Or did you just not ask the right questions because you didn't want to know the answers?"

THE ULTIMATUM

"You have until 9 AM to withdraw from the case and report the perjury to the court. If you don't, I will. And I'll make sure the Delaware Supreme Court knows exactly why you had a personal interest in keeping me as a cooperative witness."

He was halfway to the door when Rachel found her voice.

"Wait."

Nathan turned.

"If what you're saying is true, you're admitting to witness tampering and conspiracy to commit fraud. You could go to prison."

A sad smile crossed Nathan's face. "I know. But at least I'll be able to look at myself in the mirror. Can you say the same?"

The door chimed as he left. Rachel sat frozen in the empty café, the rain still drumming its relentless rhythm against the windows.

THE ETHICS NIGHTMARE

2:17 AM. Rachel sat in her office surrounded by ethics opinions and case law.

Delaware Rules of Professional Conduct 1.7: Conflict of Interest.

Rule 1.8(j): Sexual relationships with clients.

Rule 3.3: Candor toward the tribunal.

Rule 8.4: Misconduct.

The walls were closing in.

If she withdraws three days before trial, she'll have to explain why. But Rule 1.6 prohibits her from revealing client confidences.

Everything Nathan told her might be protected by attorney-client privilege—even though he's not technically her client.

And if Nathan is confessing to perjury, does she have a duty to report it? Or would that violate Rule 1.6?

Her phone buzzed. Another text from Nathan:

"I love you. I'm sorry it came to this. But I won't be part of this fraud. Neither should you."

THE SENIOR PARTNER

6:30 AM. Rachel stood outside the office of Thomas Mitchell, the senior partner.

"Tom, I need your help. I have a situation with the Nexcore case. A serious ethical problem."

Mitchell's expression shifted from surprise to concern. "Come in. Sit down. Tell me everything."

"I've been in a relationship with Nathan Graham. Our star witness. For four months. And last night he told me the testimony he was planning to give is perjury. That Nexcore paid him to lie. And that if I put him on the stand, I'll be committing fraud on the court."

Mitchell set down his coffee, his face grave.

"Good God, Rachel. This is Rule 1.8(j) and Rule 3.3. You have concurrent conflicts and a duty of candor to the tribunal. You can't put him on that stand."

THE GUIDANCE

"I know. But if I withdraw, I have to give a reason. And everything he told me might be privileged."

"Was he your client when he told you?"

"No. He's Nexcore's witness. But we were... intimate. Does that create privilege?"

"Not privilege, but it creates one hell of a conflict. And if he's confessing to a crime—witness tampering, fraud—the crime-fraud exception might apply. You might have a duty to report."

Rachel took a deep breath.

"That's why I'm here. I need you to help me withdraw from this case properly. To protect the client, protect the firm, and protect my license. And I need to know—do I report Nathan to the authorities? Do I report the client for attempting to suborn perjury? Where do my duties lie?"

THE JUDGE'S CHAMBERS

8:45 AM. Rachel stood in Judge Catherine Hayes's chambers in the New Castle County Courthouse.

"Your Honor, I have an emergency motion regarding witness testimony in Nexcore v. Delaware News Journal. But before I file it, I need your guidance on a conflict of interest that's arisen."

Judge Hayes's eyes narrowed. "Go on."

Thomas Mitchell stepped forward. "Your Honor, as senior partner, I'm here to assist Ms. Lindsay in properly withdrawing from this representation. We have a Rule 1.16 situation—she's required to withdraw. But the circumstances involve potential client confidences and we need guidance on how to proceed without violating Rule 1.6."

The judge leaned back in her chair.

"Your Honor, I need to know... when the person you're sleeping with is a witness, and that witness tells you he's been paid to commit perjury... where do my ethical duties lie?"

THE CLIFFHANGER

Judge Hayes studied her for a long moment.

"That depends, Ms. Lindsay, on whether you knew about the perjury before it occurred, or only discovered it after establishing the relationship. The timeline matters for Rule 3.3."

"I didn't know, Your Honor. The relationship started two months after I took the case. I thought it was real. I thought he was cooperating because he believed in our case. I didn't learn about the bribery until last night."

Judge Hayes nodded slowly, making notes.

Mitchell stepped forward. "We're here seeking permission to withdraw and asking the court's guidance on whether Rule 3.3 requires disclosure of the attempted perjury, or whether Rule 1.6 protects those communications as confidential."

The judge looked at both of them.

"Your Honor, I made a terrible mistake. I let a personal relationship cloud my professional judgment. But I'm trying to do the right thing now."

DISCUSSION QUESTIONS

Question 1: Conflicts of Interest

Did Rachel violate Rule 1.7 or Rule 1.8(j) by engaging in a sexual relationship with Nathan Graham, a key witness? At what point did the relationship become disqualifying? Does it matter that Nathan is Nexcore's witness rather than Rachel's client?

Question 2: Duty of Candor

Under Rule 3.3, what are Rachel's obligations when she learns her witness intends to commit perjury? Can she refuse to call him, or must she take affirmative steps? Does her duty change if she only learned of the perjury through intimate conversations?

DISCUSSION QUESTIONS

Question 3: Confidentiality vs. Crime-Fraud

Are Nathan's statements to Rachel protected by any privilege? Does the crime-fraud exception apply? What can Rachel disclose under Rule 1.6? Would it matter if the conversations occurred in a personal relationship context versus a professional one?

Question 4: Duty to Withdraw

Under Rule 1.16, is Rachel required to withdraw? What explanation can or must she give without violating confidentiality? Can she withdraw without disclosing the reason? What if withdrawing itself signals something problematic to the court?

DISCUSSION QUESTIONS

Question 5: Reporting Misconduct

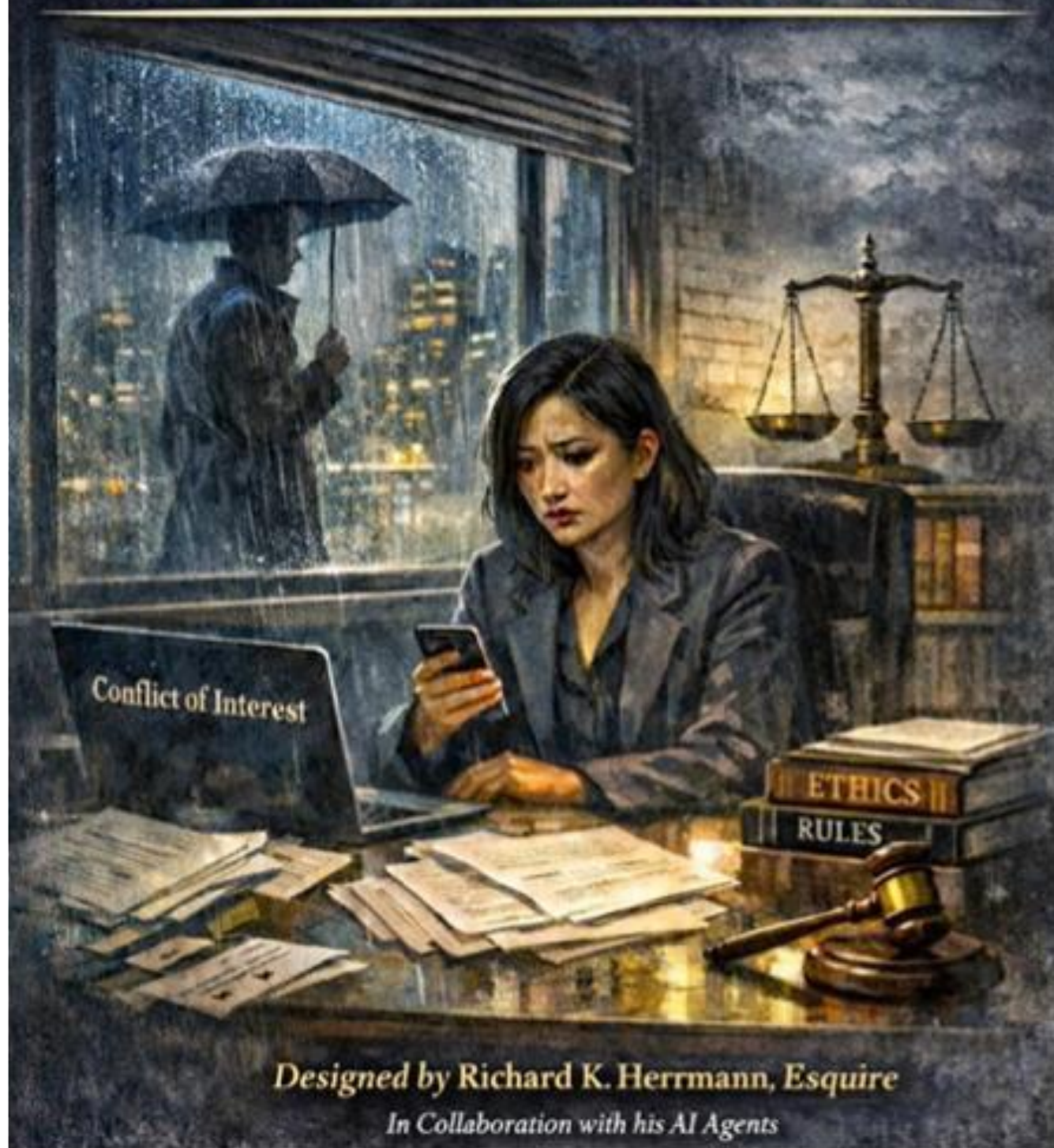
If Nexcore bribed Nathan to commit perjury, does Rachel have a duty under Rule 8.3 to report this to the Delaware Supreme Court? Does she need certainty before reporting, or is reasonable belief sufficient? What if Nathan is the one who tells her?

Question 6: Remedial Measures

What is Rachel's best course of action? Should she have disclosed the relationship earlier? What steps can she take now to fulfill her ethical obligations? Can she undo the damage, or has the conflict already irreparably compromised the case?

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THE WATCHERS

Prologue: The Breach

The email arrived at 11:47 PM on a Tuesday night.
Subject line: "You should know what your wife is really doing."

Michael Radcliff stared at his laptop in his darkened home office. He'd been working late on a merger agreement, trying to make partner before his fortieth birthday. His wife, Sarah, was already asleep upstairs.

He clicked.

The webpage loaded slowly. First came the audio—crystal clear. Sarah's voice, trembling: "He doesn't know I'm here. He can't know. If Michael finds out I'm consulting a divorce attorney..."

Then the video appeared. Sarah in a law office conference room. The timestamp: three days ago, 2:15 PM—when she'd told him she had a dentist appointment.

By midnight, Michael had called his own attorney.
By 12:30 AM, the video was on Reddit.
By morning, it would destroy everything.

CHAPTER ONE: THE PHONE CALL

Partner Diane Rostova's phone rang at 6:22 AM.

"Diane, it's Marcus. We have a situation. Get to the office. Now."

Forty minutes later, Diane stood in the firm's main conference room with the other senior partners of Webb, Rostova & Harrigan. The room where they'd celebrated victories, where they'd built one of Delaware's most respected mid-size firms over fifteen years.

The room that was now at the center of a nightmare.

Marcus pulled up the leaked video. Diane watched with growing horror as Sarah Radcliff—their client—discussed intimate details of her marriage, her finances, her fears. The audio was perfect. Too perfect.

"This was in Conference Room B," said James Harrigan quietly.
"Three days ago. Sarah Radcliff consulted with Rebecca about a potential divorce filing."

Rebecca Tran looked sick. "I never... we always close the doors. I explained privilege. How did anyone get this?"

"SecureVault Technologies," Marcus said grimly. "Our security contractor."

THE SECURITY SYSTEM

Six months ago, the firm had hired SecureVault to upgrade their security systems. After two break-ins in the building, the partners had decided to take precautions.

"AI-driven surveillance," their sales rep had promised. "Facial recognition. Threat assessment. Movement tracking. All the top firms are using it."

They'd signed the contract. They'd installed the equipment. They'd never asked what that equipment actually recorded.

"Where exactly are the cameras?" Diane asked, though she dreaded the answer.

Marcus pulled up a schematic. Red dots peppered the floor plan. Hallways. The reception area. Outside the restrooms.

And in every single conference room.

"The microphones?"

"Same locations. Plus corridors." Marcus's face was gray. "They assured us it was all encrypted. That the data never left their secure servers. That only authorized personnel could access it."

THE NIGHTMARE UNFOLDS

"Someone accessed it," Diane said flatly. "Someone hacked it. And now our client's confidential consultation is viral."

Her phone buzzed.

Text from her assistant: Media calling. Sarah Radcliff's husband filed lawsuit this morning. Client suing firm for \$5 million.

Another buzz: Delaware Bar disciplinary counsel requesting meeting.

"Gentlemen," Diane said quietly, "we need lawyers. Good ones."

By noon, the story had hit the Delaware legal community like a bomb. By 2 PM, it was national news.

"AI Surveillance Exposes Attorney-Client Secrets" read the headline in the Legal Tech Review.

CHAPTER TWO: THE INVESTIGATION

Diane sat across from Patricia Morrison, a legal ethics specialist from Philadelphia who'd driven down within hours.

"Walk me through the contract with SecureVault," Patricia said.

Diane slid the document across the table. Patricia read in silence, her expression darkening.

"Did you have your own IT department review this before signing?"

"We don't have an IT department. We have an IT guy. Brad."

"Did Brad review the contract?"

Diane felt her stomach sink. "Brad reviewed the technical specifications. But the legal terms... Marcus and I looked at those. We're lawyers."

"You're corporate lawyers," Patricia said, not unkindly. "This is a data security contract with provisions about artificial intelligence, cloud storage, encryption protocols. Did you consult with anyone who specializes in technology law? Data privacy? Cybersecurity?"

THE CONTRACT TERMS

Patricia tapped the contract.

"Section 12, subsection D: 'Contractor reserves the right to use aggregated, anonymized data for system improvement and training purposes.' Did you understand what that meant?"

"We assumed it meant... general statistics. Not actual recordings."

"Section 8, subsection A: 'System includes audiovisual monitoring capabilities in all designated secure zones.' Did you ask what designated secure zones meant?"

"We thought it meant the entrances. The parking lot."

Patricia's expression was grim. "The firm designated every interior room as a 'secure zone' for monitoring purposes. You authorized comprehensive surveillance of your own offices. Including rooms where you meet with clients."

Diane felt the room spin. "We never told clients they were being recorded."

THE ETHICAL VIOLATIONS

"I know," Patricia said.

"Rule 1.6. Confidentiality of information. We have to maintain client confidences. We have to prevent inadvertent disclosure. We have to supervise—" Diane stopped abruptly.

"Supervise nonlawyer assistants," Patricia finished. "Rule 5.3. You're responsible for ensuring that any nonlawyers working with you—including outside contractors—comply with your professional obligations."

"SecureVault wasn't our assistant. They were a vendor."

"Were they handling client information?"

The question hung in the air.

"Yes," Diane whispered.

Patricia pulled out another document. "I've been researching SecureVault Technologies. Founded eighteen months ago. CEO David Krane has a background in military intelligence. CTO Lisa Park previously worked for a company shut down for selling surveillance data to private investigators."

THE SCOPE OF DAMAGE

"How many clients met with lawyers in those conference rooms over the past six months?" Patricia asked.

Diane pulled up the firm's calendar. She scrolled. And scrolled.

"Hundreds," she said finally. "Maybe two hundred confidential consultations."

"Then you need to notify all of them. Tonight."

Diane's phone buzzed again.

Another text: Second client filing complaint. Says he had confidential meeting last month about bankruptcy. Fears it was recorded too.

CHAPTER THREE: THE CLIENTS

Sarah Radcliff sat in Patricia Morrison's office that evening, her face pale, her hands shaking.

"My husband has filed for full custody of our children," she said quietly. "He's claiming I'm unfit because I was 'sneaking around.' His lawyer already submitted the video as evidence of my 'deceptive character.' The mediator we'd been working with for months has withdrawn. Michael's hiring a pit bull attorney. This is going to be a war now."

She looked up at Diane. "I trusted you. I came to your firm because you were supposed to be the best. You were supposed to protect my privacy. Instead, you let cameras watch me pour my heart out. You let microphones record every word I said about my marriage, my fears, my children."

"We didn't know—" Diane began.

"You should have known! You're lawyers! You're supposed to protect people like me!"

THE ACCOUNTABILITY

Sarah stood abruptly. "My lawsuit isn't just about money. It's about accountability. You were negligent. You were reckless. And now my life is ruined."

After Sarah left, Diane sat in silence.

Patricia spoke gently. "The disciplinary complaint is serious. The Office of Disciplinary Counsel is investigating whether the firm violated multiple Rules of Professional Conduct.

Rule 1.1: Competence. You failed to understand the technology you were implementing.

Rule 1.4: Communication. You failed to inform clients about surveillance.

Rule 1.6: Confidentiality. You failed to protect client information.

Rule 5.3: Supervision. You failed to properly supervise SecureVault as a nonlawyer assistant handling confidential information."

CHAPTER FOUR: THE DARK TRUTH

Three days later, the FBI arrived.

Special Agent Rachel Stevens sat across from Diane.

"We traced the posting of Sarah Radcliff's video to an IP address registered to Michael Radcliff. Her husband. He works at Beckman Accounting. One of their clients is SecureVault Technologies. He does their books."

Diane felt the floor tilt. "You're saying..."

"Michael Radcliff knew about the surveillance system. He had access to SecureVault's network through his accounting work. He suspected his wife was consulting a divorce lawyer. He used his access to search the recordings, found her consultation, and leaked it himself."

"So, this wasn't a hack. This was an inside job."

"Correct. But here's the problem: when we went to SecureVault's offices this morning, the building was dark. Empty. Lisa Park's desk cleared out. David Krane's office stripped."

"They're gone?"

"SecureVault Technologies has vanished."

CHAPTER FIVE: THE RECKONING

One week later, Diane stood before the Delaware Board of Professional Responsibility.

Each of the panel members looked down at her with stern expressions. The evidence was devastating. Hundreds of confidential consultations potentially compromised. Multiple lawsuits filed. The contractors disappeared.

"Your Honor, we failed," Diane said. "We were seduced by the promise of better security without understanding the risks. We relied on vendor assurances without due diligence. We thought we were protecting our clients. Instead, we exposed them."

Patricia Morrison stepped forward. "The firm has taken immediate remedial action. They've removed all surveillance equipment. They've hired technology law consultants. They've implemented new vendor vetting procedures. They've notified every potentially affected client. And they've established a victim compensation fund."

THE BROADER ISSUE

Patricia continued:

"But Your Honor, this case raises a broader issue. Every law firm in Delaware—in America—is adopting AI-driven technology without understanding the ethical implications. Webb, Rostova, and Harrigan made mistakes. But they're not alone.

Law firms are implementing AI chatbots that process client communications without understanding where the data goes.

They're using cloud storage services without reading the terms.

They're installing smart devices that could be listening.

This case should be a wake-up call for the entire profession."

The panel deliberated. Finally, the lead judge announced:

"The firm will be publicly censured. Each partner will be required to complete twenty hours of technology ethics CLE. The firm will pay restitution to all affected clients. And we are ordering the firm to create and distribute, at their expense, a best practices guide for law firms implementing surveillance technology."

EPILOGUE: STILL WATCHING

Three days after the hearing, Diane received another anonymous email:

"You think it's over. It's not.

SecureVault wasn't just watching your firm.

Check how many other Delaware law offices hired them.
Check how many corporations.
Government agencies.

The recordings exist somewhere. All of them.
Someone has them.

The Watchers are still watching."

Diane stared at the email, a chill running down her spine.

She picked up her phone and called Patricia Morrison.

"We need to find out who else hired SecureVault. Because if they were recording us, they were recording everyone. And if someone has access to all those recordings..."

Somewhere in the darkness of cyberspace, a server hums quietly. Terabytes of data. Thousands of hours of video. Confidential consultations. Private conversations. Protected communications.

All waiting. All for sale. All compromised.

The question isn't whether there will be another breach.

The question is: who will be next?

DISCUSSION QUESTIONS

1. Duty of Competence (Rule 1.1)

Did the firm violate Rule 1.1 by failing to consult with technology law or cybersecurity experts before implementing AI-driven surveillance?

What level of technical competence must lawyers have when adopting new technologies?

Should law firms be required to conduct technology impact assessments before implementing new systems that handle client data?

2. Confidentiality (Rule 1.6)

When the firm installed cameras and microphones in conference rooms without informing clients, did they fail to "make reasonable efforts to prevent unauthorized disclosure of information"?

What "reasonable efforts" should they have taken?

Does the duty to maintain confidentiality extend to preventing potential future disclosures, not just actual ones?

DISCUSSION QUESTIONS

3. Communication (Rule 1.4)

Did the firm have an ethical obligation to inform clients that their consultations were being recorded, even if the firm believed the recordings were "secure"?

Should clients have the right to consent to—or decline—surveillance before meeting with their attorneys?

What level of detail must firms provide when disclosing security measures to clients?

4. Supervision of Nonlawyers (Rule 5.3)

The firm treated SecureVault as merely a vendor, not as a "nonlawyer assistant" subject to Rule 5.3. Was this characterization correct?

What supervisory measures should the firm have implemented?

Does Rule 5.3 apply to all third-party service providers who have access to client information, or only to direct employees and contractors?

DISCUSSION QUESTIONS

5. Contractual Protections

What provisions should have been included in the SecureVault contract to protect client confidentiality?

Should law firms require vendors to sign Business Associate Agreements similar to HIPAA requirements in healthcare?

What due diligence should firms conduct before hiring technology vendors?

6. Notification and Remediation

Once the breach was discovered, what were the firm's ethical obligations to current and former clients?

Should they have notified only affected clients, or all clients who could potentially have been recorded?

What remedial measures are appropriate when a firm discovers it has inadvertently compromised client confidences?

DISCUSSION QUESTION 5

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