If it were left to me to decide whether we should have a government without newpapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

Th. Jefferson to Col. Carrington, 1787

Panelists at a symposium on Lawyers and the Press held at VLS on March 30 were considerably less sanguine about the worth of the press than the writer of the Declaration of Independence. The lone hold-out, Stuart Ditzen of the Inquirer, who made some murmurings about the homosexual view of the free trade of ideas in the market-place, was viewed with some good natured incredulity by the four law­yers on the panel. They enthusiastically endorsed Ed Rendell's suggestion to "freeze Stuart, as he is one of a kind."

The evening's panel consisted of some of the most influential lawyers in Philadelphia, including Mark Aronchick, Howard Gittis, Tony Scirica and Ed Rendell. The representative from the press was Stuart Ditzen, the Inquirer reporter responsible for reopening the Art Museum murder conviction of Rivera. The amorphous nature of the discussion, "How Lawyers Should Deal with the Press" was readily apparent as the panelists offered insights, war stories and center to illuminate their point of view.

The question of the evening, for the law­yers, that is, was to be approached from the axiom that newspapers are in the business to sell newspapers and advertisements. Once a lawyer realizes that newspapers are "not in the business to accurately report facts," stated Rendell, then a professional relationship can be developed. The lawyers on the panel spent a good part of their legal career asking the papers to prove that they had been "fair and objective and unbiased," Ed Rendell treated the audience to a solilo­quy on "Four Things That Irrk Me the Most About the Press," in particular, said Rendell, "whether or not the press is able to do what the DA is pros­ecuted from doing. The problem, according to Rendell, is simply that the press has no story, they will make one up. 3) Reporters are imbued with the 'Watergate mental­ity' that if stories, even if they are ten years after the event. They smell corruption everywhere and the system is rotten to the core. 4) Like the sun rising, the newspapers and press will push their story line. Any facts to the contrary will be "plowed under."

Despite these irksome qualities, Rendell acknowledged that a symbiotic relation­ship existed between the press and his of­fice. "When the newspapers do present a fact or two, it's not because they are interested in ratings. 2) Newspapers are interested in making news. If there is no news, they will make one up. 3) Reporters are imbued with the Watergate mental­ity" although it is ten years since that event. They smell corruption everywhere and the system is rotten to the core. 4) Like the sun rising, the newspapers and press will push their story line. Any facts to the contrary will be "plowed under."

An enthusiastic response from its partici­pants. According to the program's director, first-year student Chip Gallagher, "Of the students who have gone on rides, the majority have come back saying they have a new appreciation for the task of policemen. The program gives the student the opportunity to observe the police in a realistic non­textual setting and, though an eight hour ride does not really give the student a chance to see everything a police officer does, it nevertheless reveals the pressures and hazards the police face."

This crisis arose as a result of the discov­ery of and increase in the number of toxic torts and product liability suits, the judi­cial modification of tort law in some states, and the substantial increase in liability in­sure rates. The large recoveries dis­couraged the development of new products and small businesses who manufactured high risk products were going out of business. Pressures on state legislatures by manufacturers and suppliers resulted in emergency action. Statutory changes were made causing diverse changes in tort law to de­crease the size of number x recoveries.

Schwartz's Task Force found that the product liability problem was caused by over subjective insurance rate-making practices and the uncertainties in the tort litigation system. The Task Force drafted the "Risk Retention Act," which allowed businesses to self-insure and thus create cer­tainty and predictability in legislation. To date, however, no federal tort reform bill has passed. Most of the recent developments have greatly increased the liability expo­sure of manufacturers and sellers of pro­ducts.

Boston University Prof. Francis E. McGoverm, well-known author of articles on statutes of repose and limitation, and Gene Locks, an attorney prominent in as­sets, described his own working definition of a toxic tort: "harm to a person, arising from non-traumatic in­jury, where the injury is caused by expo­sure to a substance, and a substantial period of time passes between the exposure and the harm." McGoverm chaired the Ford Administration's Federal Interagency Task Force on product liability in 1976, which was established to study the "product liability crisis" of the 1970's.

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The 1982-83 Police Car Ride-Along Pro­gram, which ended last Friday, generated an enthusiastic response from its partici­pants. According to the program's director, first-year student Chip Gallagher, "Of the people who have gone on rides, the majority have come back saying they have a new appreciation for the task of policemen. The program gives the student the opportunity to observe the police in a realistic non­textual setting and, though an eight hour ride does not really give the student a chance to see everything a police officer does, it nevertheless reveals the pressures and hazards the police face."

This year's program attracted nearly 100 first-year students who, in groups of two, Friday evening this winter in the backseat of a Highway Patrol car. Most students rode in unmarked cars, patrolling high-crime areas in Philadelphia from 6:00 p.m. to 2:00 a.m., or in police terminology, "the power shift."

"The primary function of the Highway Patrol, as opposed to the District police, is to provide assistance on serious calls and to make felony arrests," Gallagher relates, "and some of these cops don't want riders, but they follow orders. Usually, though, students are able to establish as rapport with the officers early on in the ride and most officers become very communicative. This is when the students 'realiza­tion' begins, according to Gallagher, who was a police officer himself for three years in Ocean City, Maryland. 'There's a big difference between studying cases in the classroom and seeing how the laws works on the street.'"

Program participant Ed Wild was im­pressed with this contrast between the classroom and the street. After a busy night responding to crime reports, includ­ing assisting a stabbing victim, he 'came away with a whole new perspective; I see things a lot more from the officer's point of view now. It really is a war down there. All that stuff in the textbooks doesn't say any­thing about the number of armed people on the streets. Wild said the atmosphere in which the police have to work is extremely hostile. 'Some people would throw things at us as we drove by and at every corner kids would yell and whistle to alert police farther down the street to the presence of our unmarked car.'"
**LETTERS TO THE EDITOR**

**A Modest Proposal**

To the Editor:

A MODEST PROPOSAL

I realize it is hard to improve on perfection but some of us have a different view of the world order and look forward to the following ideas for the new SBA to conjure with. Among them will take courage and the ability to implement; some of them are fanciful, others are immensely practical. Nevertheless, least they are bad for the new SBA something to mulch on.

Spend $500 to improve the coffee room. This is the room most seen by practicing lawyers when they come to Washington from the government or state tax program and it is a disgrace to the school. All purpose-carpenting, sofas, lights, pictures. The pictures could be hung on a wall from a rot hole to a swanky meeting place. All of this will not fail, talk to some of the local fundy groups, go to Goodwill and decorate the place in a more Bohemian manner than the administration would like. Ah yes, but who would clean it. I can hear it now. Just pay a page of Juan in a musty place.

Thursday afternoon Sherry Hour. If you insist, we can continue with the beer. I thought we were going to do all of this for the corridors of power, not animal house. Am I right. Every Thursday at 5 o'clock the SBA should host a sherry hour where people could gather and talk. The focus, if one reading this could be provided by a weekly presentation by a member of the Law Review who is completing a case note or whatever. It seems to be an ample supply of such scholars and this would be of benefit to the law school, however, if there are not enough presentations are held, the talks might be a little longer. Furthermore, groups with a common interest could agree to meet large enough to turn this into a regular event.

In the March issue, the Docket reported that there were 2000 students, faculty, and alumni of Villanova Law School, Villanova, Pa. 19085. Letters and articles are welcome from students, faculty, alumni and the community. Paid advertisements are also accepted. Contact the Docket office for details.

— Editor

**THE DOCKET**

The Docket is published monthly by the students of Villanova Law School, Villanova, Pennsylvania, Pa. 19085. Letters and articles are welcome from students, faculty, alumni and the community. Paid advertisements are also accepted. Contact the Docket office for details.

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Kirk Karagelian

**Correction**

In the March issue, the Docket reported that 900 copies had been sold of Professor Lurt's book, *A Modest Proposal*. The correct figure is 2,000 copies.

— Editor
I am now a graffiti victim. Meaning that my name has been scrawled on the first floor men’s room of the law school. I’m not too sure whether it is an insult or not. Clearly it is not so much the words themselves, but the act of someone putting them up in public places. Under the reference to myself is a jumble of other graffiti, defaming the rugby team, students, and professors, and in brackets, the statement suggests that all this is something "Tony Green should write about.

Now, I don’t know what this means. Whether my columns in the Docket are analogous in quality to the scrawlings on the bathroom walls. (Which is a suggestion with which I would not have much of a quarrel.) Or whether the statement is merely a suggestion that I write a column about law school graffiti. (Which is an idea I have indeed considered.)

Or whether the statement is meant to suggest that I write a column about law school graffiti which would be analogous in quality to the scrawlings on the men’s bathroom walls.

So I’ll write a column about graffiti.

But what to write about? I might write about the sad commentary that the fact of graffiti on law school walls makes any law student to get caught in an internal political feud. We were having a high-powered fund raiser in a posh Central Park restaurant to which I was asked to attend very badly. Accompanying the candidate, I went.

Some of my colleagues on the campaign were worried that I would take this opportunity to say that the fact of graffiti is healthy to some extent. I have never written on a bathroom wall — the Docket is enough for me — but I would imagine that it is a healthy catharsis for graffiti-writers. (Since I’m in brackets there, I could as well say, it’s a waste of time.) Nevertheless, I went.

Looking for a Few Good Men

When I was involved in my first political campaign, I was in the position of an internal political feud. We were having a high-powered fund raiser in a posh Central Park restaurant to which I was asked to attend very badly. Accompanying the candidate, I went.

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Delivering the 4th Estate

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Dean Search Comes to a Head

by Maria Ventresca

The search for Villanova Law School’s new Dean is moving into the final stages. The law school’s accreditation committee, which had the responsibility of seeking out interested nominees and evaluating them, has just about completed its work. The newly formed University Committee will now begin the final screening process. The members of the University Committee are Thomas F. Devine, Esquire, who is on the President for Administration, is Chairman approximately 6 to 10 candidates to be interviewed by June. After they are completed, the Committee will submit names to Father Driscoll, the President, for the University’s final recommendations. The Committee will have to determine at that time which ones of us will select the name of each candidate to meet with faculty members, students, and alumni while he is visiting the school. Professor Dowd expects a few more of the panelists. Look to the less popular locations to find clerks where the competition won’t be overwhelming. Professor Sirico mentioned state courts in New Jersey; another panel mentioned the federal district for North Dakota, and 3L Cindy Jaworski recommended Texas. Although Joseph Glancey, who will be representing the law school and be interviewed during the first year at 97% of the law schools, who has just been elected the student representative. Father Patrick J. Rice, Vice-President of the Alumni Association is the five subcommittee chairman of the Committee.

The University Committee will arrange for the qualified candidates to visit the law school and be interviewed during the second phase of the committee’s review. Unlike most other law schools, VLS has established small sections of first semester courses in torts and criminal law. This year, 1979, VLS joined the 30% of law schools that deal extensively with Pennsylvania cases. The Harvard decision and the law school’s review of the law in the torts and criminal law curriculum study in 1977. After the survey was complete, the faculty committee which had the responsibility of teaching the practical legal skills needed by the first year students. The Harvard committee chaired by Professor John Hyson, and charged with the mission of designing small sections of first semester courses in torts and criminal law. The much-awaited second edition of Meyer and Shapiro’s A Handbook of Civil Practice in the State and Federal Courts of Pennsylvania has arrived. The Harvard decision and the law school’s second phase of the committee’s review. The first section of the committee’s review of the law in the torts and criminal law curriculum has been completed. After reviewing the first year curriculum, Dean Abraham has submitted a questionnaire to the law school faculty which will be used to complete the second phase of the committee’s review. The committee has received several opinions as to the goals, course contents, teaching methods used at VLS. The reviews of the two sections of the first year courses were taken from a study prepared for the VLS faculty by Dean Gerald Abraham. The study is the first phase of a planned year review conducted by a faculty committee chaired by Professor John Hyson and charged with the mission of reviewing the first year curriculum. Dean Abraham has submitted a questionnaire to the law school faculty which will be used to complete the second phase of the committee’s review. The Harvard committee has received several opinions as to the goals, course contents, teaching methods used at VLS. These reviews are considered constructive and will be used to keep the first year courses on track.

The Harvard decision and the law school stated at the same time that they are going to keep the traditional first year curriculum in the past and in likely to do so in the 1984-85 year will be a report to the faculty from the committee which will re-interview the University Committee. All of the candidates who will visit the law school are individuals who are or have been connected with a law school as a teacher or as a member of a faculty. Each candidate will be interviewed with the law school faculty members who are interested in the position. Also the candidates may be interviewed at this point. Professor Dowd hopes that these visits will be completed by June. If they are completed, the Committee will submit names to Father Driscoll, the President, for the University’s final recommendations. The Committee will have to make a decision at that time which names the names of all the persons who have been interviewed along with the Committee’s preferences, or just the names of those who clearly are more qualified. Father Driscoll will have the ultimate responsibility for naming the new Dean. According to Bill Rupert, however, the ABA requires that a majority of the faculty members on the law school approve the President’s appointment. Rupert, who defeated 9 other candidates in the election on March 24th, believes that the person who is chosen should have a solid background and be well known in the legal community. He believes that is equally important that the new Dean arrange to have a good deal of contact with the students and faculty.

How to be a Clerk

On Monday, March 21, the Placement Office at VLS offered students a program about finding positions as judicial clerks. A panel consisting of faculty and students with experience in obtaining clerkships provided suggestions useful to the students vying for a position with a court. The following comments were made by one or more of the panelists. Look to the less popular locations to find clerks where the competition won’t be overwhelming. Professor Sirico mentioned state courts in New Jersey; another panel mentioned the federal district for North Dakota, and 3L Cindy Jaworski recommended Texas. Although Father Patrick J. Rice, Vice-President of the Alumni Association is the five subcommittee chairman of the Committee.

The much-awaited second edition of Meyer and Shapiro’s A Handbook of Civil Practice in the State and Federal Courts of Pennsylvania has arrived. The Harvard decision and the law school’s review of the law in the torts and criminal law curriculum has been completed. After reviewing the first year curriculum, Dean Abraham has submitted a questionnaire to the law school faculty which will be used to complete the second phase of the committee’s review. The Harvard committee has received several opinions as to the goals, course contents, teaching methods used at VLS. These reviews are considered constructive and will be used to keep the first year courses on track. It is a one volume "how to" on the procedural aspects of Pennsylvania practice. The later edition, a three-volume work, was covered much frequently was updated. Unfortunately, the publishers did not provide a pocket sleeve, thereby necessitating continual rearranging. This problem has been solved with the new edition. It is a convenient guidebook that is compact enough to use as a trial aid. The author’s objective was "to give the busy lawyer, as well as the inexperienced one, immediate answers to novel and recurring questions, leaving extensive research in the multi-volume treatise available for leisure time. This handbook is also the only work in which practice in the court system is presented in the treatment.

The second edition is greatly expanded and includes an index. It continues the practice of italicizing federal procedures. The text is arranged primarily by location but it is also useful as a librarian’s ready reference tool. The headings are logical and provide civil procedure into readily recognizable chunks (e.g., class actions, motions, discovery, admissibility, etc.). Although the price is steep and the contents are duplicated in other sources (most notably Goodrich-Amram), the Meyer and Shapiro book is still a must for libraries that deal extensively with Pennsylvania law.

New Tool

by Walter Champion

The much-awaited second edition of Meyer and Shapiro’s A Handbook of Civil Practice in the State and Federal Courts of Pennsylvania has arrived. The Harvard decision and the law school’s review of the law in the torts and criminal law curriculum has been completed. After reviewing the first year curriculum, Dean Abraham has submitted a questionnaire to the law school faculty which will be used to complete the second phase of the committee’s review. The Harvard committee has received several opinions as to the goals, course contents, teaching methods used at VLS. These reviews are considered constructive and will be used to keep the first year courses on track. It is a one volume "how to" on the procedural aspects of Pennsylvania practice. The later edition, a three-volume work, was covered much frequently was updated. Unfortunately, the publishers did not provide a pocket sleeve, thereby necessitating continual rearranging. This problem has been solved with the new edition. It is a convenient guidebook that is compact enough to use as a trial aid. The author’s objective was “to give the busy lawyer, as well as the inexperienced one, immediate answers to novel and recurring questions, leaving extensive research in the multi-volume treatise available for leisure time. This handbook is also the only work in which practice in the court system is presented in the treatment.

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There are whispers that the system may not be worth the cost of operation, and the strike has idled its trains. Everyone who believes the city needs a healthy commuter rail system has reason to be worried. Its future has been clouded by the events that began when Congress decided to sell Conrail.

When the government decided to sell, it had to give control of the commuter rail systems to local authorities. This was because no one would buy them. But for the same reason that they were unattractive to potential buyers of Conrail, the idea of running the rail system with local authorities was unattractive to SEPTA. SEPTA had a duty to run the rail system, so when the local authorities took over all responsibility for a system that was becoming increasingly expensive to integrate the commuter rail system with Conrail. This was the position that SEPTA had argued convincingly to successfully argue that they could not afford to run the rail system, and when the inevitable strike loomed, SEPTA offered no substantial concessions and when the inevitable strike loomed, SEPTA showed no great concern.

Mr. Locks described litigation problems from the viewpoint of a plaintiff’s attorney. He stated that it is possible for toxic tort claims to be successfully litigated without driving companies such as Mannville into bankruptcy, and without federal government interference.

Kohn argues that their strategy has been to negotiate with the unions in bad faith. While the union workers were on the picket line, having his head stuffed into the tea pot, he might look different. They may feel more pressure to integrate the commuter rail system with Conrail. This was the position that SEPTA had argued convincingly to successfully argue that they could not afford to run the rail system, and when the inevitable strike loomed, SEPTA offered no substantial concessions and when the inevitable strike loomed, SEPTA showed no great concern.

The temptation is to blame the unions if the negotiations don’t come to an end soon. But, they have no duty to mold the public’s interest. From their point of view, things might look rather more like the sleeping dormouse at the mad tea party, having his head stuffed into the tea pot.

lock said that the problems should be resolved by the tort system. The problems include that it is impossible to quantify the amount of money that is spent on pre-trial procedures such as determining who are the proper defendants, than in factually spent on paying claims; the lack of a pre-settlement procedure results in a situation that is potentially settled out of court being litigated to the hilt. The statute of limitations requirement means that the plaintiff’s attorney often must bring suit even before the plaintiff’s diagnosis is complete.

Other problems include impediments to group settlements, repetitive interrogatories, and collateral source and subrogation problems.

Robert St. Leger Goggin, an attorney prominent in asbestos defense litigation (including defense counsel for Mannville Corporation) spoke about current theories of liability from a defense attorney’s perspective. The best defense to toxic tort claims, Goggin stressed, is the barring of claims by statutes of limitation. Usually impending the date when a cause of action is accruing is a difficult and imprecise process. A typical plaintiff may have worked in an asbestos factory for 20 years, in a coal mine for 10 years, and also smokes two packs of cigarettes every day. One day his doctor tells him that he has lung cancer. How can the doctor or the plaintiff isolate a "proximate cause"?

Jerry J. Phillips, professor at University of Tennessee College of Law and author of Product Liability in a Nutshell, and Professor John Kercher, co-author with Ghiardi of Punitive Damages, are opposed to the proposed federal legislation. Phillips acknowledges that the UPLA will bring uniformity to toxic tort law but this uniformity is not necessarily desirable. His main concern was that many causes of action which would normally be covered within the state’s tort law, but not necessarily be covered by the UPLA: human blood transfections, energy service sale transactions, and land transfers in public school ceilings. These claims would fall in an area of law between state and federal jurisdictions.

Kercher, a defense attorney, said he is concerned whenever the federal government interferes in state-controlled tort law, but the defense bar has reversed their position and are now in favor of the UPLA.

The papers presented at the symposium will be published in the forthcoming Villanova Law Review, Volume 28.
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FOR FURTHER INFORMATION, CONTACT:

JEAN HURLEY (800-223-3862)
The following students were elected to SBA offices during the elections held March 15 and 16:

Kirk Karagelian
Tom Wilkinson
Michelle Tiger
Jefferis Sanweet
Edie A. Longerich
Joe (Mama) Ficiana
Andy Worthington
Natalie Ramsey
Matthew Whitehorn
Karen McKown
John Erickman

Congratulations and good luck.

CREASEL, 1983-84 Class Schedules

The class schedules for Fall, 1983 and Spring, 1984 are being prepared. We will make every effort to reduce potential conflicts. Please let me know any scheduling suggestions that you may have.

Gerald Abraham
Associate Dean for Academic Affairs

Dean Abraham also welcomes students input about the first year curriculum. A faculty committee, chaired by Professor Hyson, has conducted a review of first year curriculums at law schools, and will be recommending a course of action for Villanova.

Less Filling

Our Spring, 1983 Executive Visitiation Program Dinner/Discussion will be held Monday, April 18, 1983 in the Law School Cafeteria. Our visiting executive that evening will be John A. Murphy, Chairman and Chief Executive Officer of Miller Brewing Company and Group Executive Vice President, Philip Morris, Inc., New York, New York.

Associate Dean Garbarino

Although participant Wild noticed no violations of constitutional rights, he’s sure the courts will have to make decisions on the spot with little or no time for reflection, while judges and lawyers have months to critique the cops’ judgment.

Gallagher thinks that decisions made in the streets, involving the discretion of the officer, concerns “the spirit of the law which varies depending upon the crime suspected, the experience of the officer, the location, the actions of the suspected individual, and many other surrounding circumstances.” Gallagher has found that people who have been through the program have a greater respect for a police officer’s discretion.

“Though rights are violated at times,” he said, “it is sometimes unavoidable in a hostile environment where the officer must worry about his personal safety and not what some judge wrote in an opinion.”

Julius Lang’s release from Philadelphia prison.

Policy Car A Terry-fying Experience

(Continued from page 1)

Another participant in the program, Brian Meyers, shared with the students the hostility the police have to deal with and gave the officers the ride with high marks for professionalism: “I rode with Officers Jim Fogarty and Bob Buntle who, with consistent determination and quickness, stepped in and quickly and took effective action. They gave an impression of control at all times. Their ability to quickly put facts together enabled us to capture a hit and run suspect and return him to the scene of the crime where the district police took over.”

Meyers felt that the officers were personable and cooperative: “They were friendly and talked to us, unlike some stories I heard of uncooperative officers in past years who would drive all night with the windows rolled down trying to freeze-out the students in the back of the car.”

First-year student Regulus, who likewise came away with a favorable opinion of the officers he rode with. “The officers were very level-headed,” she explained, “which I came away with a favorable opinion of the officers, concern, the spirit of the law which varies depending upon the crime suspected, the experience of the officer, the location, the actions of the suspected individual, and many other surrounding circumstances.” Gallagher has found that people who have been through the program have a greater respect for a police officer’s discretion.

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Although participant Wild noticed no violations of constitutional rights, he’s sure they happen. Yet, given the danger on the streets, he concludes that “in the interests of their own safety the cops have to cooperate the way they do.” Vogel recalls one incident during her ride: "We stopped and searched people who were running down the street and, as it turned out, they were just running to get out of the rain."

Dean Gerald Abraham, who oversees the student-run program, sees it as an opportunity for the students to become aware of such constitutional problems. He also recommends that those who found the ride-along program enlightening should “go see preliminary arraignments, trials and other stages of the criminal procedure process and get a feel of what it’s like, and become aware of its deficiencies.” As for short-comings in police procedure, Dean Abraham remarked that “while I believe there is such a thing as an ‘unlawful violation’ of constitutional rights, I do think there are degrees of seriousness. The ride-along program exposes students to such issues."
OFF THE PLATE

by Sean Abdul O'Grady

Thanks to the moaning and crying of the last column the sports staff has a new con­
tact and expanded budget. We have de­
cided to go all out; which of course entails a
brand new opening. Maestro, music please.
Now, in your mind’s eye, think of Abdul
dancing double and triple axles while holding a
pette, combed beauty with 54 inch
thighs over his head. The music slowly
builds to a crescendo and the announcer says,
"From the heights of mediocrity to the
depths of a monotone Abdul strives to
bring the world of sports to you’s Ajax Award.
"The crowd naturally showers Abdul with
flowers while gliding. Walter Davis of the
Phoenix Suns calls it right. Abdul has re­
signed himself to the con­
vincing that the clauses have got you
back, huu. Abdul can commiserate as he
seems to have always had the best of both
worlds. It is a return to the days when Wilt
proceeded to his own ways to alienate their
life support systems: the fans.
So you say that the clauses have got you
down, huh. Abdul can commiserate as he
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