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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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## **DECLARATION PURSUANT TO LOCAL CIVIL RULE 37.1(b)(1)**

I hereby declare that co-counsel and I attempted in good faith to resolve the discovery disputes outlined in the accompanying Motion, by sending various written communications regarding the specific discovery that had not been completed. These communications included letters by co-counsel to ABIM's counsel dated October 30, 2015, November 25, 2015, December 1, 2015, and December 23, 2015, and a letter by me to ABIM's counsel dated March 10, 2016.

In addition, co-counsel and I participated in a "meet-and-confer" with and at ABIM's counsel office on March 3, 2016, which lasted slightly more than two hours.

The parties have been unable to reach agreement despite this good faith effort, thereby necessitating the accompanying Motion.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 2, 2016.

## s/ Andrew L. Schlafly

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