PILED ALAMEDA COUNTY

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LERK OF THE SUPERIOR COURT BY YASMIN SINGH, Deputy

VERNON C. GOINS II (SBN 195461) YASMIN GILANI (SBN 240830)

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Attorneys for Plaintiffs

DR. JYNONA NORWOOD, and

**GUYANA TRIBUTE FOUNDATION** 

### SUPERIOR COURT OF CALIFORNIA

### COUNTY OF ALAMEDA

### UNLIMITED CIVIL JURISDICTION

	GUYANA TRIBUTE FOUNDATION, a	)	No. RG11575036
l	California non-profit corporation; and	)	
	JYNONA NORWOOD, an individual;	)	DECLARATION OF JYNONA
Ì		)	NORWOORD IN SUPPORT OF
	Plaintiffs,	)	PLAINTIFFS' EX PARTE APPLICATION
		)	FOR A TEMPORARY RESTRAINING
	VS.	)	ORDER AND ORDER TO SHOW CAUSE
		)	RE: PRELIMINARY INJUNCTION
	THE EVERGREEN CEMETERY	)	
	ASSOCIATION, a California corporation;	)	Date: May 12, 2011
	BUCK KAMPHAUSEN, an individual; RON	)	Time: 11:00 a.m.
	HAULMAN, an individual; and DOES 1-50,	)	Dept.: 31
	inclusive,	)	Res. No.: R-1179749
		)	
	Defendants.	)	
		)	
		ĺ	
		<sup>-</sup>	

## I. JYNONA NORWOOD, declare as follows:

I am the executive director of the Guyana Tribute Foundation. I submit this 1. declaration in support of my and Guyana Tribute Foundation's ex parte application for a temporary restraining order and request for Order to Show Cause why a preliminary injunction

DECLARATION OF J YNONA NORWOORD IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION Guyana Tribute Foundation et al. vs. The Evergreen Cemetery Association et al. (Alameda County Superior Court Case No. RG11575036)

- ] -

should not issue against THE EVERGREEN CEMETERY ASSOCIATION, BUCK KAMPHAUSEN and RON HAULMAN (hereinafter collectively "Defendants") regarding the Defendants' construction and erection of a memorial wall on the base and setting promised by Defendants to Plaintiffs, and specifically requesting an order that Defendants and their principals, officers, agents, servants, employees, attorneys, and those persons under their control, or in active concert or participation with them, immediately cease and desist from permitting the New People's Temple or any other person or entity from constructing any memorial upon the mass grave site of the victims of Jonestown until the instant action is adjudicated.

- 2. On or about November 18, 1978, exactly 918 American citizens, including Congressman Leo Ryan and his UPI news group were tortured, massacred, and killed in Jonestown, Guyana by the People's Temple Church under the direction, guidance and instruction of its Reverend, Jim Jones (hereinafter referred to as the "Jonestown Massacre"). These victims were led to their death by Rev. Jim Jones in a mass murder-suicide pact. Among the bodies recovered, 305 victims were children, and 40 were infants. These bodies were flown back to the United States and eventually laid to rest in a mass grave located at the Evergreen Cemetery, located 6450 Camden Street Oakland, California (hereinafter referred to as "Evergreen Cemetery") and owned, operated and controlled by Defendants.
- 3. I lost <u>27</u> of my own family members at the Jonestown Massacre, 17 of which were children. Most of these victims are buried at Evergreen Cemetery.
- 4. Moved by this tragedy and overwhelmed with people grief, in 1978, I began to take steps to honor the child victims who needlessly died in the Jonestown Massacre. For the past 32 years, I have organized an annual public memorial at Evergreen Cemetery to ensure that the lives lost in the Jonestown Massacre would not be forgotten. Supporters of these memorial services include, and have included: Senator Diane Feinstein, Poet Laureate Maya Angelou, Former California Governor Arnold Schwarzenegger, current California Governor Jerry Brown, Congresswoman Barbara Lee, former San Francisco Mayor Willie Brown, comedian and activist Dick Gregory, former Oakland Mayor Elihu Harris, California Attorney General Kamala Harris,

President of the San Francisco Chapter of the NAACP Reverend Amos Brown, and former San Francisco Mayor Frank Jordan.

- 5. In November 1992, the supporters, family members and friends of the child victims developed the idea of building a permanent memorial to honor the memory of the three hundred and forty children who perished during the Jonestown Massacre at the hands of the People's Temple and Jim Jones. It seemed only fitting and appropriate that Evergreen Cemetery would be the home to a physical memorial that would stand as a permanent and painful reminder to future generations of the child victims' families and supporters of the lives of the precious child victims who perished so young.
- 6. From 1980 through 1992, I began advocating for, and approached Evergreen Cemetery about erecting and building the Cherishing the Children Healing Memorial Wall (hereinafter referred to as "Jonestown Memorial Wall") in the memory of the 305 children, their families, Congressman Leo Ryan and the UPI news crew who perished at the Jonestown Massacre. In 1992, Buck Kamphausen, President of Evergreen Cemetery (hereinafter referred to as "Kamphausen") and on behalf of Evergreen Cemetery, verbally committed to me and the families of the victims, a numerous memorials, that Evergreen Cemetery would provide the land, base and foundation for the Jonestown Memorial Wall.
- 7. Shortly after the verbal assurances by Defendants, I began contacting granite companies across the county for a quote to build the Jonestown Memorial Wall. When I told the Defendants that I found a company who could construct the Jonestown Memorial Wall for a reasonable price, I was met with resistance. From the onset, Evergreen Cemetery expressed an interest to be involved in the design, size, height, length, width and thickness of the Jonestown Memorial Wall (hereinafter collectively referred to as "Specifications"). The Defendants also required that, as a condition of Evergreen Cemetery's promise to donate the base and the setting, that GTF must exclusively use its team of contractors; that is, Marin Monument Company, Inc. and Amador Memorial Company. Evergreen Cemetery's President required that the Jonestown Memorial Wall be made of thick enough material so it may be drilled allowing for steel or

aluminum rods to prevent tipping or falling and the base of sufficient size to adequately hold the monument.

- 8. In 1995, Marin Monument Company, Inc. prepared Specifications for the Jonestown Memorial Wall and submitted it the Defendants for approval. A true and correct copy of the document containing these Specifications is attached hereto as **Exhibit A** and incorporated herein by reference as if set forth in full. Left with no choice, I, on behalf of GTF, agreed to use the Defendants' contractors.
- 9. In 1998, GTF was formally established as a public benefit non-profit organization. Its primary objective was to develop ideas for the scope and design of the Jonestown Memorial Wall, and determine ways and means of financial support for the project. The purpose of GTF is also to provide assistance, comfort and support to the family members of the victims who were killed in the Jonestown Massacre.
- the child victims and their surviving family members, a collective gravestone, and a place where individuals could prominently see the name of a loved one carved in granite forever. It was planned that the hundreds of names of the children who perished at the Jonestown Massacre would be etched and engraved into the wall. Further, the Jonestown Memorial Wall was to be constructed in the spirit of those who honored the tragic passing of their loved ones in events such as the Jewish Holocaust, the Columbine shooting, the Vietnam War and, most recently, the tragedy of 9/11.
- In or about January 1997 and again on or about September 24, 2002, Kamphausen confirmed in writing Evergreen Cemetery's promise to provide GTF with a base and setting for the Jonestown Memorial Wall (this letter is hereinafter referred to as "Commitment Letter"). A true and correct copy of this Commitment Letter is attached hereto as **Exhibit B** (or attached to the verified Complaint for Damages, Declaratory Relief, and Injunctive Relief as Exhibit A?) and incorporated herein by reference as if set forth in full.
- 12. Relying on the previous oral representations and the promises represented in January 1997 and again in September 24, 2002 Commitment Letter and countless verbal

assurances, GTF began to take steps to bring the vision of the Jonestown Memorial Wall into reality. First, we launched an aggressive, multi-faceted fundraising campaign consisting of letter-writing, phone-athons and private solicitations. This fundraising campaign began in 1993 and continues until today. GTF also invested substantial resources into the promotion, public relations firms and the creation, design and implementation of a website to attract and retain donors.

13. In March 2007, I sent a letter to Ron Haulman (hereinafter referred to as "Haulman"), as a representative of Evergreen Cemetery, memorializing a conversation I had with him concerning the Jonestown Memorial Wall. A true and correct copy of this letter is attached hereto as Exhibit C (or attached to the verified Complaint for Damages, Declaratory Relief, and Injunctive Relief as Exhibit C?) and incorporated herein by reference as if set forth in full. In that conversation and the subsequent confirmation letter, I described the Specifications as follows:

"This design showcases the Heart shaped center by giving a slight dip between the heart and the other monoliths. The text by Dr. Maya Angelou will go around the heart, with the rest of the names on the Wall with a few names on the panel below the heart. The wall is 36 feet long; with the wall that features the adult names 7 feet above ground and the heart 8 feet above ground. We would like for the names to be readable on black granite. We would like for the date of birth to be next to each name."

Defendant Haulman never responded or protested the Specifications or dimensions of the Jonestown Memorial Wall as I stated in our discussion and in the confirmation letter.

14. In or about November 8, 2007, GTF, at the direction and mandate of defendant Evergreen Cemetery, entered into an agreement with Amador Memorial Company ("Amador") for the construction of the Jonestown Memorial Wall to be erected at a cost of \$97,800. The agreement required this amount to be paid in three installments. A true and correct copy of the contract is attached hereto as Exhibit D and incorporated herein by reference as if set forth in full. Per this agreement, the Jonestown Memorial Wall would consist of seven granite ledgers;

of which six would be black pieces five feet by seven feet in size, with a center piece designed to have a red granite five-foot-six by five-foot-five heart, and two hundred and seventy names would be placed in the heart. These Specifications were consistent with the Specifications that I communicated to Haulman in my March 2007 letter. On November 18, 2007, GTF paid the first installment of \$13,371, and in January 2008, GTF paid an additional \$17,000, a total of \$30,371.

- Amador prepared additional plans and specifications and sent them by fax to Defendant Evergreen. A true and correct copy of these specifications is attached hereto as **Exhibit** E and made a part hereof. Defendant Evergreen reviewed these additional plans and specifications and no one on behalf of Defendant Evergreen protested. In fact, the owner of Amador, in a dying declaration, stated that sometime in April 2008, while the construction of the Jonestown Memorial Wall was ongoing, Defendant Kamphausen inspected the Jonestown Memorial Wall and made no objections.
- 16. By November 2008, two of the seven granite pieces were completed in time to celebrate the 30<sup>th</sup> anniversary of the Jonestown Massacre. At the November 2008 memorial, USA TODAY published a feature regarding the 30<sup>th</sup> anniversary of the Jonestown Massacre and the Jonestown Memorial Wall. The cover of the newspaper USA TODAY was featured John Cortez, Kamphausen, Haulman, Officer Yulanda Williams, survivors, family, myself, Reverend Amos Brown and Reverend Eugene Lumpkin. A true and correct copy of this feature is attached hereto as Exhibit F and incorporated herein by reference as if set forth in full.
- 17. Suddenly, and out of the blue, in or about December 9, 2009, I received a written request from Defendant Haulman asking for, among other things, the Jonestown Memorial Wall Specifications. A true and correct copy of this request is attached hereto as **Exhibit** G and incorporated herein by reference as if set forth in full. I did not understand this request as I, Evergreen Cemetery's contractors, and others had provided him with Specifications. The letter went on to state that the granite slabs featured at the 30<sup>th</sup> anniversary were too big and were not approved. This was false and untrue.

- 18. From December 2009 until the present, I, and GTF supporters, political leaders and the California Lawyers For The Arts have made numerous phone calls to Defendants Haulman and Kamphausen. Over this two-year span, mediators, political leaders and I have left many voicemail messages asking for a return call so that we could discuss the content of the letter and complete the project. Neither one of them have returned any phone calls.
- or about March 1 2011, when reading a news article, I found out that Defendants had approved plans for another monument to be erected on the base and setting originally approved for Jonestown Memorial Wall. This monument was proposed by the surviving People's Church, led by Fielding McGehee and Jim Jones, Jr., and proposes to include the name of Jim Jones <a href="https://www.himself">himself</a> as a victim of the Jonestown Massacre (hereinafter referred to as the "Jim Jones Memorial Wall").
- Again, Defendants failed to respond to me except through the media in a February 28, 2011 article featured by the Contra Costa Times, in which Defendant Haulman stated that the monument "can't physically fit" and that neither I nor GTF gave them "one dime" for the project. A true and correct copy of said article is attached hereto as **Exhibit H** and made a part hereof. GTF did not pay the Defendants anything because they insisted that Amador Memorial Company be paid first.
- 18. Over the last few days, I learned that the Defendants have done additional grading and foundation work, and have renovated the memorial site to allow for the Jim Jones Memorial Wall, in the same place, base and settings originally planned for the Jonestown Memorial Wall, but have not yet put up the memorial. News articles indicate that the Jim Jones Memorial Wall will be completely installed by May 16<sup>th</sup> and unveiling will occur over Memorial Day weekend.
- 19. Unless enjoined, the Defendants will permit the Jim Jones Memorial Wall to be fully constructed upon the base and settings promised to myself, GTF and the family, friends and supporters of the hundreds of children who died in the Jonestown Massacre and are buried at the mass grave site. The Jim Jones Memorial Wall will serve as a deterrent to all individuals who

wish to honor the victims of the Jonestown Massacre or were (and continue to be) affected by the Jonestown Massacre which was initiated by Jim Jones himself.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in California

Dated: May 11, 2011

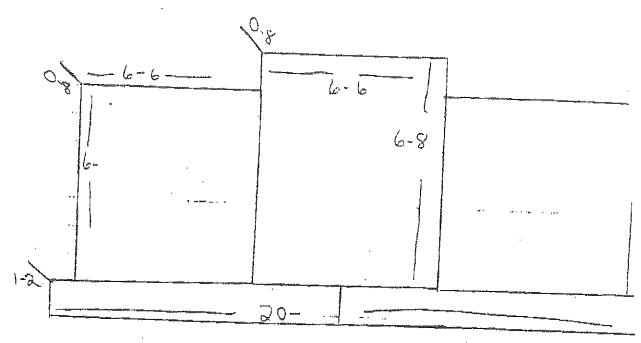
DR. JYNONA NORWOOD

# MARIN MONUMENT CO.

2468 5th Avenue San Rafael, CA 94907 (415) 454-1620

Monuments - Markers - Cemetery Work Flower Shop

April 12, 1995



- 2 SIERRA MONUMENTS 6-6 x 0-8 x 6-0 POLISH FRONT AND BACK SIDES AND TOP ROCK PITCHED
- 1 ACADEMY MONUMENT 6-6 x 0-8 x 6-8 POLISH ALL SIDES
- 2 SIERRA BASES 10-0 x 1-2 x 0-10 POLISH TOP, SIDES ROCK PITCHED SETTING, DELIVERY AND LETTERING INCLUDED. PRICE 527,950.00 TAXO 7.256-2,026.37 25,000?

FOR THE MEMORIAL TO BE COMPLETED BY NOVEMBER THE PAYMENTS WILL BE AS FOLLOWS:

JULY 15, 1995 ONE-THIRD SEPT 15, 1995 ONE-THIRD OCT 15, 1995 ONE-THIRD

THE MEMORIAL IS GOING TO WEIGH APPROXIMATELY 15,601 POUNDS, IT WILL BE IN THREE PIECES APPROXIMATELY 5500 POUNDS EACH (THE BASE WILL WEIGH APPROXIMATELY 3,600 POUNDS). WE WILL BE DONG SOME OF THE WORK AT THE QUARRY TO EXPEDITE THE COMPLETION OF THE MONUMENT.

I WILL NEED AN ACCURATE LIST OF NAMES AND DEDICATION PORTION OF THE MONUMENT.



# EVERGREEN CEMETERY

CEMETERY : MAUSOLUEM : CREMATORY

5450 CAMDEN - OAKLAND, CALIFORNIA 94605 - (415) 632-1602

September 24, 2002

Guyana Tribute Foundation
Dr. Iymona M. Norwood, Executive Director
645 W. Arbor Vitae
Inglewood, CA 90301

Dest Dr. Norwood:

Evergreen Cemetery Association committed to providing the base and setting for a monument memorial to be set at the site for the victims of the Jonestown massacre, approximately 5 years ago.

This is subject to approval by the Evergreen Cemetery Association Board of Directors as to the design, size, style and height of the memorial.

The Cemetery has to have all monuments, memorials, etc., made of thick enough material so they may be drilled allowing for steel or aluminum rods to prevent tipping or falling and the base of sufficient size to adequately hold the monument/memorial.

Upon submission of the design, length, height, thickness and weight plus the supplier's name, address and phone, we should be able to give rapid approval.

Hopefully, your fund raising campaign will be successful.

Sincerely,

EVERGREEN CEMETERY ASSOCIATION

Buck Kamphausen, President

BKTW



## IN Diales St. \* See Resides, CA SALLY Exercises (At IX Ator Time \* Indianal CA Sixt) \* (315) 475-35%

Founder/President Dr. Jynona Norwood Guyana Tribute Foundation, Cherish the Children Project

Honorary Committee Mayor Willie L. Brown

Yvonne Brathwaite Burke Supervisor

Mayor, Roosevelt Dorn Inglewood, CA

Dianne Feinstein Senator

Rev. Julius C. Hope N.4.4CP Voter Affairs

Rev. Timothy McDonald President AAMLC

Rt. Rev. Alexei Smith Archdioceses, LA

Mark Ridley Thomas Congressman

Diane E. Watson Congresswoman

Rev. Mark Whitlock FAME Renaissance

Advisory Committee Bishop H. H. Brookins

Dr ,Amos Brown SF Housing Commissioner Pres. SF, NAACP

Rev. Edgar Boyd Bethel AME SF

Dr. Frank & Hurdis Bozeman, Global Evangelica Seminary

Senator John Ford

Dick Gregory

Elihu Harris Former Mayor, Oakland

Rev. Arnold W. Howard

Rev. Leonard Jackson. Senior Adv. to Mayor L.A.

Rev. Eugene Lumpkin Ebenezar Baptist Church

Moses Mayne Fmr. Councilman

Rev. James Mc Cray Jones United Methodist

Dr. Cecil "Chip" Murray

Gail E. Neira S.F Republican Central Committeewoman

Rev. Ed Norwood

Rebecca Pollock

Rev. Dr. Al Sampson

Dr. Aurelious Walker True Hope COGIC

Former Speaker Herb J. Wesson

Officer Yulanda Williams SFPD

March 22, 2007

Jonestown Memorial Wall/Cherishing the 645 W. Arbor Vitae Inglewood, CA. 90301

Evergreen Cemetery 6450 Camden Ave. Oakland, CA. 94612

Dear Mr. Haulman,

It was good to speak with you today and discuss the realization of erecting the Jonestown Memorial Wall to honor the memories of the victims of this horrific tragedy. The families, survivors and loved ones are getting up in age and are passing on and it would be a wonderful and blessed miracle to help us after all of these years memorialize the victims of Jonestown. I will personally be responsible for all future payments and will sign a promissory note on my home in SF to pay off the wall on a payment schedule. These selfless people went to Guyana as pioneers in a new land to build a better world with their children lost their defenseless lives clearly, because of the lies and leadership of Jim Jones.

Our hope is to soon be able to see the names of our loved ones engraved on a permanent memorial and run our fingers across their names in honor of their precious lives. They lived with compassion one for the other and died with dignity. Thank you for all of your help in making this dream become a reality.

# SUBJECT: JONESTOWN MEMORIAL WALL

We would like a simple seating garden area as a part of the Memorial at the Oakland Cemetery similar to other memorials. We would like to unveil and dedicate the Jonestown Memorial Wall by November 18, 2007. The design of the wall is on our website. The website address: www.jones-town.org.

### DESIGN DIMENSIONS:

This design showcases the Heart shaped center by giving a slight dip between the heart and the other monoliths. The text by Dr. Maya Angelou will go around the heart, with the rest of the names on the Wall with a few names on the panel below the heart. The wall is 36 feet long, with the wall that features the adult names 7 feet above ground and the heart 8 feet above ground. We would like for the names to be readable on black granite. We would like for the date of birth to be next to each name. We do not have all of the DOB's for instance for the babies we will just put 1978. We have approximately 890 names where 276 are children's names to be inscribed on a heart in the center of the wall. It will be 8 inches thick with the heart being made of red granite.

Please call me should you have any additional questions @ 310-459-8599.

Warmest regards,

Dr. Jynona Norwood Jonestown Memorial Wall 4435 Piedmont Ave. Oakland, CA 94611 (510) 652-5147 EAX (510) 652-5104

Nov. 18, 2007

Dr. Jynona Norwood Guyana Tribute Foundation Cherish The Children

The memorial will have seven granite ledgers. With all viewable sides noilshed. Six black pieces five feet by seven feet in size. With one hundred and two adult names per piece. The center piece will be of red granite with a five foot six by five foot tall heart. The heart will have the name of the two hundred and seventy six children.

The contract for the Jones Town memorial wall will be \$97,800.00. The first payment due of Nov. 18 will be \$30,000.00.

The second payment will be due March/April 2008 for \$33,935.00 when the granite is delivered to our shop.

The third and final payment will be due July/August 2008 when the stone is delivered to Evergreen Cemetery for \$33,935.00.

UE, CARONE Morwood

John Cortez

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Formder President

Jones Town Memorial Wall

Owner Operator

Amador Memorial Company

KATUD WHOL PLACE 31/4 2 TUBE TO ACCEPT DOWEL PWS LOXX 4-OXX3-O 

RON HELMAN 408-187-870

Tweet John Dales

707-333-4243

#### Photos Life

Dr. Jynona Norwood photos



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1 0 1

Tech

By Eric Risberg, AP

Tags: Rev. Eugene Lumpkin, Rev. Almos Brown, Stanley Clayton, Julana Roberts, Juana Norwood, Dr. Jynona Norwood, Oakland, California

Rev. Eugene Lumpkin, left, Rev. Amos Brown. Stanley Clayton, Julana Roberts, Juana Norwood, and Dr. Jynona Norwood watch as flowers are tossed onto names of loved ones during the dedication of a memorial wall marking the 30th anniversary of the Jonestown incident at the Evergreen cemetery in



USA TODAY galleries related to this gallery: California Dr. Jynona Norwood Juana Norwood Julana Roberts Oakland Rev. Amos Brown Rev. Eugene Lumpkin

Stanley Clayton

### Travel Photo Galleries:



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2011 Atlantic hurricane season



# EVERGREEN CEMETERY

CEMETERY . MAUSOLUEM . CREMATORY

6650 CAMDEN : CAKLAND, CALIFORNIA 94605 " (510) 682-1602

Decombar 15, 2009

Dr. Јурила Нисетии P.O. Hox 3330 Indiyered, CA 90078

Deer Dr. Norwood,

in your email of December 2, 2009 these wheat 3 points which ( wish to tridicus electly to clear up any confusion.

- Plans for a future monument wall
- Committee, foundation and or organization
- Memorial Services and estimatory visitors

Let me start by addressing the last point first. It is the policies of Evergreen Compilery Association that the family and friends of persons burief in Propperson Changlery oil have the count early and excess to remember and measurables cook has in these over un lossedown survivers may not be unliked in the approach, but all are welcome to came and pay respects regardless of accurance. affillation, or perceived intent.

Feather Energies Connectly has rever recognized, not is it our intentions too recognize any particular connected foundation and or organization with respects to the Jonestown, Poople, Temple grave site within Evergeen Ceraticy. If groups of lensity members and there friends choose to organize for marked consion and solidarity in there intention to per response to draw here its evergeen Company that is of course these individual choice. We will make every effor to respect any responsible recommend result to us to economicate the needs of all our posts.

Lessly there is the manus of any proposed measurist well plans. It has been my position from the very court of personial well conversations, and planning that I would need to approve the design and that convers before green lighting the project, i.e.d year 2 Report branch report managed at the latest to to the passes of some of green artificial by the transfer passes by the passes of design meet be experient is selected, and in writing

To done no occupa has received the approval of the liverytima Conditory overcoming. The obligation of paying for the entensive foundations were, and matchester required for any well has not been appear upon while matching a people of branches support for the membering wall it is not the manufact to proceed and open choice and read in the crossing of such a wall

Arry pleas them for a walk should base as to excuse these besic fixes

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- Size (केंद्र क्टब कार्क से केंद्र का अटटकान कार्या करेंद्र)
- Expense (foundation insulation, and failure use restrictions)
- Consess (a majority of family members with loved one's burned in Evergees Consesty's Janestown allo should be in

As advers I wish to provide a case, clean and personal location to all the families who have exampled Evergence Countiery with the great house of lying in rest there kneed once, in paramit of that goal I will continue to work with the parties involved in try and haild consuses for a long-lown becaused Walf, however my pan can only move furward affer a useful fundad and practical proposal is हिन्द्रास्त्र साथं स्ट्रांट्र एटं.

ELLA DI

Sincerely

Buck Kempheneen

President

Hydrereca Chambery Association