

D. The term "business record" is defined according Rule 803(6) of the Federal Rules of Evidence as "[a] memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, [where] it was the regular practice of that business activity to make the memorandum, report, record or data compilation[.]"

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2004, a copy of the foregoing Respondents' Fourth Request for Admissions Concerning Authenticity and Admissibility (Public Record Version) was served by email and first class mail, postage prepaid, on:

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