

2007

EARTHJUSTICE
ANNUAL REPORT
2007



dedicated to protecting the magnificent places, **natural resources**, and **wildlife** of this earth and to defending **the right** of all people to a **healthy** environment.

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LETTERS FROM DAVE COX AND BUCK PARKER



Left: Dave Cox, Chairman of the Board of Trustees
Right: Vawter "Buck" Parker, Executive Director

As I reflect back on all Earthjustice has accomplished in 2007, many things stand out. We had an incredible run of environmental victories in the last year — wins that were truly valuable — as our success in court led to legal precedents that will have a long-term impact on conservation all across our country. But it is perhaps the dedication of our supporters — who made it possible for us to achieve so much for the environment — that I will remember the most. • Of course, it helps having a team of the finest lawyers handling environmental law. This is what has allowed Earthjustice to win landmark cases at such a high rate for the many non-profit organizations we represent. Consider the challenge we made to an emissions exemption granted to major polluters, the paper and plywood industry, by the EPA. This was a monumental case, and as a result of our legal advocacy the court ruled that the exemption was illegal, and the majority of these manufacturers will have to meet Clean Air Act emissions standards. There was also a critical trial we won that stopped toxic waste disposal into Alaska's Lower Slate Lake, and, the suit filed against the Bush Administration in which Earthjustice saved an astounding 191 million acres of forest land. • Based on the environmental expertise of our staff and the dedication of supporters like you, I look for Earthjustice to have an even greater impact on preserving our land, water and air in 2008. For many organizations, looking at future possibilities this way is oftentimes daunting. But here at Earthjustice, the prospect of tackling more issues that will help our clients, protect the environment and improve the health and welfare of people worldwide, only energizes our staff. Having the power to make a major difference in the lives of so many people is a responsibility we at Earthjustice fully embrace, and you can continue to count on us to work in the courtroom to protect this earth we all share.

Global warming was high on everyone's list of important issues in 2007, and Earthjustice was no exception. The only difference was that while many others were debating what sorts of laws Congress should adopt to address this environmental crisis, we were taking action in the courts and getting rulings that will force the government and polluters to start addressing the problem right now. Perhaps most significant was a breakthrough victory it took us years to earn, when the Supreme Court agreed with us that EPA can limit emissions of greenhouse gases from motorized vehicles. We also prevented the construction of the largest of all proposed new coal-fired power plants, between the Everglades and Lake Okeechobee, that would have added considerably to global warming, which in turn caused utilities in Florida to withdraw applications for permits to build several more. And in Kansas, in a case we were heavily involved with, a coal-fired power plant permit was denied over concerns about carbon emissions. For the first time, a state has rejected a coal plant for failing to control greenhouse gasses. • I'm also proud to say that even as we broadened our focus to deal with this global threat, we continued the work that brought loyal supporters like you to Earthjustice in the first place. It's pointless to tackle global warming if all that we are attempting to preserve, like our public lands, wildlife, and clean air and water, is lost in the meantime. Therefore, our docket for 2007 consisted of a wide variety of important environmental cases, with legal decisions that reversed many anti-environmental government policies, preserved our wildlands, protected endangered species, and restricted toxic emissions into our air. • As you read through the many successes of our staff of full-time lawyers in this annual report, I want you to know we expect to accomplish even more in 2008. Our long-term plan includes expanding our work to address the human health impacts of environmental degradation, as well as global warming, while continuing to bring the big cases so critical to the many clients we serve. We aim to stop the drilling rigs from further defacing our public lands, the chainsaws from ravaging more of our forests, and industry from continuing to pollute our air and water. With your continued support I know Earthjustice can keep on winning the cases that protect, preserve and restore our environment and will help ensure we leave our children and grandchildren with a safe, healthy and inspiring place to live in the future.

Global warming is the biggest threat to our environment, and addressing its major causes is the top priority on our docket. Earthjustice won three important victories in the battle against global warming this year. The first was against the Environmental Protection Agency, which sought to avoid restricting greenhouse gas emissions from vehicles by claiming that the agency had no authority to do so. The Supreme Court, in its April 2, 2007 ruling, sided with us.

In Florida, we made the case that conservation measures need to be factored into the true cost of plans by Florida Power and Light to construct a new, coal-fired power plant between the Everglades and Lake Okeechobee — the largest such plant planned in the nation. We argued not only that this plant would add to global warming, but also that conservation measures by the utility could make the plant unnecessary. Thanks to Earthjustice's efforts, the Florida Public Service Commission nixed the plan, in a ruling that is already deterring other efforts across the nation to build coal-fired plants, while spurring the building of cleaner power plants with 21st Century technology.

In September, Earthjustice won the first round in our efforts to defeat the proposed Sunflower Plant near Holcomb, Kansas when the Kansas Department of Health and the Environment rejected the utility's permit application over concerns about carbon emissions. This is the first time a state has rejected a coal plant for failing to control greenhouse gasses. We anticipate the utility will challenge this ruling, and our staff is prepared to engage in legal challenges for as long as it takes to defeat this proposed coal plant.

GLOBAL WARMING



HEALTH

In 2007, Earthjustice won a hard-fought victory against corporate attempts to overturn tough regulations that prevent needless lung disease. We had to overcome fierce industry opposition in our effort to protect the air we breathe.

Ground-level ozone is a major pollutant that leads to smog. And smog leads to respiratory difficulties, such as asthma, which affects over 17 million Americans including many children and senior citizens. In 1997, the Environmental Protection Agency imposed stiffer regulations to tighten controls on the release of ozone from industrial sources. But in 2004 EPA, at the behest of corporate interests, turned back the clock by issuing new regulations that were weaker than even the pre-1997 regulations. Earthjustice immediately filed suit, and in June 2007 the judges issued a final ruling in our favor that will result in much healthier air quality.

In 1976 our government entrusted the health of our National Forest System to the American people by passing the National Forest Management Act. This important legislative act granted the public a role in decision-making processes that determine the management of these areas. Unfortunately, today neither the will of the people nor conservation of our national forests means much to highly placed government officials.

To satisfy friends in the timber industry, the Forest Service sought to implement new forest management rules that removed the obligation to prepare environmental impact studies and abolished public comment on logging plans. At stake were 191 million acres of forest land, so environmental organizations across the country turned to Earthjustice to fight this change. Our lawyers made the case and a federal judge ruled that the proposed changes to the National Forest Management Act were illegal. This victory ensures public participation and the use of the best available science in future public land decisions.



WILDLIFE

PUBLIC LANDS



Earthjustice led the way to a legal victory that will prove vital to saving a species close to extinction. The delta smelt is a small fish that lives only in the waters of the San Joaquin Delta in California. Its numbers have dropped dangerously low due to federally operated water projects in that area. Not only would the loss of this species be tragic, but its decline is a bellwether indicating the worsening health of this ecosystem. Despite the threat of the smelt's extinction, state and federal water managers went ahead with designs to construct another huge pump that would be disastrous for this species.

To justify this plan, the U.S. Fish and Wildlife Service submitted a biological opinion claiming that the expansion of these water facilities would not jeopardize these fish or threaten their habitat. Earthjustice lawyers filed suit over the adequacy of the biological opinion, which failed to include the important fact that the smelt population had already reached record lows. When the decision was handed down, the court ordered the opinion rewritten, resulting in a major victory for endangered species threatened by government projects.

In 2007, Earthjustice successfully challenged the coal industry over a highly destructive mining process termed “mountaintop removal.” Mountaintop removal is just that — mining corporations blow the tops off Appalachian mountains to reveal the coal underneath. The broken rock, dirt, and destroyed timber are then pushed into the surrounding valleys, covering and polluting nearby streams and rivers, leveling the natural landscape, and causing massive flooding that devastates communities.

This practice, though not permitted by long-standing Clean Water Act rules, was given a green light after the Bush administration came into office. Since then, the coal companies have needlessly returned to destroying whole mountains to gain access to one of the worst fossil fuels for our environment. To stop this process, Earthjustice filed suit in federal court in West Virginia, arguing that this practice violates the Clean Water Act. The judge agreed and declared five mine permits illegal. This ruling forces the mining industry to reconsider the viability of this highly destructive form of mining.



INTERNATIONAL

WATER



Earthjustice also contributed to a major victory for the right of people to have a voice in protecting the environment. In 1998, the Earthjustice-endorsed Aarhus Convention was adopted to guarantee that the human right to participate in government would extend to activities affecting the environment. In short, this agreement requires national governments to provide the public three things: information about the state of the environment and activities that might harm it; a right to participate in decisions about potentially harmful activities; and access to justice if the activities violate environmental or other laws.

These guarantees alone were an important development in international environmental law, but Earthjustice insisted that the Convention be even stronger. We advocated successfully for the establishment of the Aarhus Compliance Committee to monitor governments’ compliance with the Convention and to hear complaints when the public’s rights were being violated. We have subsequently worked to ensure the Committee’s effectiveness by helping affected communities bring successful claims. In one such case in 2007, we helped environmentalists in Albania win a challenge concerning the creation of an industrial park that threatened one of the most beautiful wetlands in the Mediterranean. Not only did the Committee call on Albania to postpone the project until the public could participate (which the government has done), it recommended that Albania amend its laws to ensure the public’s right to participate in all environmental cases.

For years the Environmental Protection Agency has failed to protect the public by adequately enforcing regulations governing the release of toxic air pollutants. In 2007 Earthjustice achieved breakthrough victories that forced EPA to adhere to the letter of the law in restricting these deadly emissions.

The paper and plywood industries have used their political clout to avoid pollution regulations for decades. So it was no surprise when EPA issued a rule granting these manufacturers an exemption from emission controls, especially since former lawyers for the plywood association are now on EPA staff. The Earthjustice legal team responded by challenging the rule in court, which overturned the exemption and forced nearly 75 percent of these manufacturers to meet maximum standards.

In another critical case, EPA attempted to avoid classifying thousands of waste burning installations as “incinerators” so they could operate under less stringent regulations. But our lawyers convinced a Washington D.C. federal district court judge this was illegal, resulting in the strongest air pollution controls being placed on these highly toxic incinerators. Earthjustice also challenged the emissions limits EPA adopted for brick and clay manufacturers, which were far below the law’s requirements. Our victory in this case forced EPA to impose the strict emissions standards set by the Clean Air Act on these facilities, which were spewing some of the worst pollution imaginable into our air.

AIR



THANK YOU...

Our victories would not have been possible without your generous contributions. And with your continued support, Earthjustice will achieve even more victories in 2008 on behalf of our environment and health.



OUR CLIENTS

<p>Alaska Center for the Environment Alaska Marine Conservation Council Alaska Villagers and/or Native Groups Alaska Wilderness League Alliance for the Wild Rockies American Bird Conservancy American Canoe Association American Lands Alliance American Lung Association American Nurses Association American Rivers American Soc. for Prevention of Cruelty to Animals American Wildlands Anacostia Watershed Society Animal Welfare Institute Association of Village Council Presidents Audubon Alaska Audubon Society of Portland Audubon Society of the Everglades Basel Action Network Bay Institute of San Francisco Beyond Pesticides Biodiversity Conservation Alliance Blue Ocean Institute Blue Ridge Environmental Defense League Bluerwater Network Border Power Plant Working Group Cabinet Resource Group California Native Plant Society California Public Health Association — North California Sportfishing Protection Alliance California Trout California Wilderness Coalition Campaign for Tobacco Free Kids Caribbean Conservation Corporation Carmel Mountain Conservancy Carson Forest Watch Cascadia Wildlands Project Center for Biological Diversity Center for Biological Diversity — Portland Center for Environmental Law and Policy Center for Food Safety Center for International Environmental Law Center for Native Ecosystems Center for Policy Analysis on Trade and Health Center for Sustainable Economy Central Sierra Environmental Resource Center</p>	<p>Chassahowitzka River Restoration Committee Inc. Chinese Progressive Association Citizens Campaign for the Environment Citizens' Environmental Coalition City of Bellingham Clearwater Biodiversity Project Coal River Mountain Watch Coast Action Group Coast Range Association Colorado Environmental Coalition Colorado Mountain Club Colorado Wild Columbia Riverkeeper Communities for a Better Environment Concerned Citizens for Nuclear Safety Concerned Citizens of Kalihi-Palama Conservation Alliance of St. Lucie County Conservation Council for Hawai'i Conservation NW Cook Inlet Keeper Crowley Museum and Nature Center Defenders of Wildlife Delta Fly Fishers Delta Land Trust DeltaKeeper Desert Protective Council Downwinders at Risk Dugong Network Okinawa Earth Island Institute Earth Media Earthworks Ecology Center Environmental Advocates Environmental Confederation of Southwest FL Environmental Defense Environmental Integrity Project Environmental Protection Information Center Farm Labor Organizing Committee Farmworker Legal Services of New York Federation of Fly Fishers Fellowship for Reconciliation Fiscalia del Medio Ambiente (Chile) Florida Audubon Society Florida Citizens Florida Keys Citizen Coalition Florida Wildlife Federation Forest Guardians Forests Forever Foundation Frente Indigena Oaxaquena Binacional</p>	<p>Friends of Butte Creek Friends of Living Oregon Waters Friends of the Clearwater Friends of the Earth Friends of the Everglades Friends of the Gualala River Friends of the Kaw Friends of the River Friends of the San Juans Glfford Pinchot Task Force GMO-Free Hawai'i Golden Gate Audubon Grand Canyon Trust Great Bear Foundation Great Old Broads for Wilderness Greater Yellowstone Coalition Greenpeace Gulf Restoration Network Hakipuu Ohana Heal the Bay Helping Our Peninsula's Environment High Country Citizens Alliance Horned Lizard Conservation Society Hui Malama I Kohala Hui o Nā Wai `Ehā Humane Society of the United States Humboldt Watershed Council Huron Environmental Activist League Idaho Conservation League Idaho Council of Trout Unlimited Idaho Rivers United Idaho Steelhead and Salmon Unlimited Idaho Wildlife Federation `Ilio`ulaokalani Coalition IMPACT (UK) Institute for Fisheries Resources Jackson Hole Conservation Alliance Japan Environmental Lawyers Federation John Muir Projecta Juneau Audubon Society Ka Lahui Hawai'i Kahea Kansas Natural Resource Council Kansas Rural Center Kilauea Neighborhood Association Kingman Park Civic Association Kipuka Klamath Forest Alliance Klamath-Siskiyou Wildlands Center Kohanaiki Ohana</p>		<p>Latino Issues Forum League to Save Lake Tahoe Limu Coalition Louisiana Environmental Action Network Lynn Canal Conservation Malama Makua ManaSota-88 Maricopa Audubon Society Maui Meadows Homeowners Association Maui Tomorrow Medical Advocates for Healthy Air Mid-Hudson Catskill Rural Migrant Ministry Mineral Policy Center Montana Environmental Information Center Montana Wilderness Society Montanans Against Toxic Burning Mountain Lion Foundation Muckleshoot Indian Tribe Na Imi Pono National Audubon Society National Center for Conservation Science and Policy National Marine Fisheries Service National Parks Conservation Association National Wildlife Federation Native Fish Society Natural Resources Council of Maine Natural Resources Defense Council Neighborhood Network Research Center Neighbors for a Safe Dragon New Mexico Wilderness Alliance New Mexico Wilderness Association New Mexico Wildlife Federation New York Public Interest Research Group North Carolina Wildlife Federation Northcoast Environmental Center Northern Alaska Environmental Center Northern California Council Federation of Fly Fishers Northwest Coalition for Alternatives to Pesticides Northwest Energy Coalition Northwest Environmental Advocates Northwest Sportfishing Industry Association Ocean Advocates Ocean Conservancy Ocean Mammal Institute Oceana Ohana Pale Ke Ao Ohio Valley Environmental Coalition Oregon Natural Resources Council</p>	<p>Oregon Trout Oregon Wild Pacific Coast Federation of Fishermen's Associations Pacific Environment Pacific Rivers Council PennFuture People for Puget Sound Pesticide Action Network — North America Physicians for Social Responsibility Pineros y Campesinos Unidos Del Noroeste Plumas Forest Project Powder River Basin Resource Council Predator Conservation Alliance Preserve South Bay Preserve Wild Santee Public Access Shoreline Hawai'i Public Employees for Environmental Responsibility Puget Sound Harvesters Puget Soundkeeper Alliance Ramonans for Sensible Growth REDOIL Redrock Forests Redwood Region Audubon Society Rock Creek Alliance Rocky Mountain Clean Air Action Sacramento River Preservation Trust Safe Air for Everyone Salmon for All San Diego Audubon Society San Diego Herpetological Society San Francisco BayKeeper San Juan Citizens Alliance San Luis Valley Ecosystems Council Santa Monica BayKeeper Save Our Creeks Save our Forests and Ranchlands Save our Suwannee Save San Francisco Bay Association Save the Dugong Foundation Save the Manatee Club Sea Mar Community Health Center Sea Turtle Restoration Project Seattle Audubon Society Selkirk Conservation Alliance Sequoia Forest Keeper Sierra Club Sierra Club Environmental Law Program Sierra Forest Legacy</p>	<p>Sierra Nevada Forest Protection Campaign Siskiyou Regional Education Project Sitka Conservation Society Southeast Alaska Conservation Council Southern Utah Wilderness Alliance Southwest Environmental Center Surfrider Foundation Kaua'i Chapter Swinomish Indian Tribal Community Teamsters Local 890 The Bay Institute The Breast Cancer Fund The North Umpqua Foundation The Steamboaters The Wilderness Society Tongass Conservation Society Trout Unlimited True Blue Woman Tule River Conservancy Tuolumne River Trust Turtle Island Restoration Network Umpqua Valley Audubon Society Umpqua Watersheds United Farm Workers of America, AFL-CIO United Southeast Alaska Gillnetters Association Upper Green River Valley Coalition US Public Interest Research Group Vermont Natural Resources Council Village of Point Hope Washington Environmental Council Washington Toxics Coalition Washington Wildlife Federation WaterKeepers Northern California WaterWatch of Oregon West Virginia Highlands Conservancy Western Colorado Congress Western Organization of Resource Councils Western Slope Environmental Resource Council Western Watersheds Project Wetlands Action Network Wild Steelhead Coalition Wild West Institute Wilderness Workshop Wildlands CPR Winnemem Wintu Tribe Winter Wildlands Alliance Wyoming Outdoor Council Wyoming Wilderness Association Yakutat Tlingit Tribe</p>
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FINANCIAL REPORT

The Board of Trustees elected to change the year end of Earthjustice to June 30 from July 31 beginning with June 30, 2007. As a result the financial statements reflect eleven months of activity for fiscal year 2007 and twelve months of activity for 2006.

Thanks to the continuing generosity of the many individuals and foundations that support our work, Earthjustice was able to direct over \$19 million to our litigation, policy advocacy, and other program services in the eleven month fiscal year ended June 30, 2007. The majority of this support came from gifts from individuals and major donors who contributed \$12.8 million to further Earthjustice's work. Grants from foundations provided another \$4.3 million. This year we also benefited from an increasing number of donors who included Earthjustice in their estate plans and wills resulting in \$3.1 million that will support current and future program efforts.

Other sources of revenue that support our work come from court awards, donated services and investment earnings and accounted for a total of \$5.1 million or 18% of our total 2007 fiscal year revenue of \$28.4 million.

We are pleased to report that the Better Business Bureau's Wise Giving Alliance continues to recognize Earthjustice for meeting the highest standards for accountability and use of donor funds.

Program expenditures accounted for 81% of total operating expenses, with 52% directed to pay salaries and benefits for our team of lawyers, advocates, and communication specialists. Management and administration costs accounted for 8% of total expenses and 11% went toward fundraising costs needed to generate current and future operating revenue.

Total assets stood at \$39.3 million as of June 30, 2007, including new investments from our growing charitable annuity program and \$1.4 million in true endowment. These long-term assets provide support for future commitments.

SOURCES OF SUPPORT

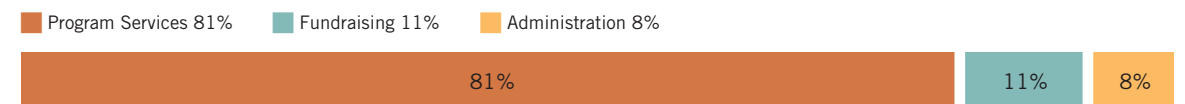


STATEMENT OF FINANCIAL POSITION

	2007	2006
ASSETS		
Cash and investments	\$29,488,585	\$25,455,913
Accounts receivable	7,657,809	6,268,395
Property and equipment, net	1,684,631	1,948,782
Other assets	462,761	440,337
TOTAL ASSETS	39,293,786	34,113,427
LIABILITIES		
Accounts payable	684,258	710,809
Accrued vacation payable	792,354	647,827
Client trust funds	23,567	25,356
Reserve for gift agreements	4,601,407	4,467,680
TOTAL LIABILITIES	6,101,586	5,851,672
NET ASSETS		
Unrestricted	25,304,266	21,000,832
Temporarily restricted	6,440,101	5,673,121
Permanently restricted	1,447,833	1,587,802
TOTAL NET ASSETS	33,192,200	28,261,755
TOTAL LIABILITIES AND NET ASSETS	\$39,293,786	\$34,113,427

This statement represents the condensed financial information of Earthjustice. Copies of the complete, audited financial statements are available upon request.

EXPENDITURES



WAYS TO SUPPORT EARTHJUSTICE'S WORK

STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS

	2007	2006
REVENUES		
Contributions	\$19,659,379	\$18,017,748
Bequests	3,124,469	2,273,170
Court awards	2,679,763	1,926,302
Investment income	2,884,199	1,731,605
Other income	59,210	32,697
TOTAL REVENUES	28,407,020	23,263,166
EXPENSES		
Program services		
Litigation	11,665,538	12,524,191
Lobbying	474,613	449,386
Public information	6,914,892	6,299,473
TOTAL PROGRAM SERVICES	19,055,043	19,273,050
Supporting Services		
Management and general	1,818,196	1,949,810
Fundraising	2,603,336	3,054,136
TOTAL SUPPORTING SERVICES	4,421,532	5,003,946
TOTAL EXPENSES	23,476,575	24,276,996
CHANGE IN NET ASSETS	\$4,930,445	\$(1,013,830)

There are many ways you can help Earthjustice enforce and strengthen environmental laws to protect the magnificent places, natural resources and wildlife of this earth and to defend the right of all people to a healthy environment. Contributions from individuals and private foundations are the lifeblood of this work, providing 69% of our annual operating support. We do not receive support from client fees, corporate sponsorships or government grants. We have established several easy ways you can make a tax-deductible gift to advance Earthjustice's most important projects.

GIFTS OF CASH BY MAIL OR PHONE

You can make an outright gift by check or credit card, payable to Earthjustice. Send it to:
Earthjustice
426 17th Street, 6th Floor
Oakland, CA 94612-2820
Or call toll-free: 800-584-6460

DONATE ONLINE

You can make a secure donation by credit card on our website at www.earthjustice.org. Click on **How to Help** and follow the link to **Donate!**

SECURITIES

By donating appreciated stocks, bonds, and mutual fund shares that have been owned for more than one year, you can avoid capital-gains tax on the assets donated to Earthjustice. The full market value of gifts of appreciated securities is tax-deductible. Instruct your broker or bank to transfer your stock gift to our Charles Schwab account # 3024-7509, DTC 0164, code 40. Please also contact us by email at giving@earthjustice.org, or by telephone at 1-800-584-6460, and let us know your name, the name of the company, and the number of shares you are donating so that we may initiate the transfer and acknowledgement of your gift.

TEAM LEGAL – MONTHLY GIVING PROGRAM

By setting up a monthly gift via credit card, check, or electronic funds transfer, you join **Team Legal** and provide crucial ongoing support for Earthjustice's work to safeguard our natural world and all who call it home.

MEMORIAL AND TRIBUTE GIFTS

You can pay tribute to someone special by making a gift to Earthjustice in their memory or honor. We'll notify your honoree or their family of your generous gift with a special greeting card and a one-year complimentary subscription to *In Brief*, our quarterly newsletter.

MATCHING GIFTS

Many companies will match employees' contributions, doubling your support to Earthjustice, even if you are now retired. Send your contribution to Earthjustice along with a matching gift form which you can obtain from your company's personnel or employee relations office.

PLANNED GIFTS AND BEQUESTS

Life income gifts, such as a charitable gift annuity or a charitable trust, can provide you (or a loved one) with income for life, in addition to capital gains and income tax benefits. You can also give to Earthjustice after your lifetime, through a provision in your will or living trust. You may wish to consider including us as a beneficiary of your retirement plan or life insurance policy.

Sample language for wills and trusts:

I give and bequeath to Earthjustice, Tax ID #: 94-1730465, the sum of \$_____ (or _____ % of the rest and remainder of my estate, or _____ % of my estate).

If you would like more information about supporting our work, contact the Earthjustice Development Office at
426 17th Street, 6th Floor
Oakland, CA 94612-2820

You can email us at giving@earthjustice.org, or telephone us at 510-550-6700 or 800-584-6460. All inquiries are handled confidentially.

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Production Manager:

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Design:

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Editorial Services:

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and Associates



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