

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL FILED

DEC 13 2004

**LOS ANGELES
SUPERIOR COURT**

**Superior Court of the State of California
For the County of Los Angeles**

Lynn and Reed Goodwin, et al.

Plaintiffs,

vs.

Anheuser-Busch Cos., Inc; Miller Brewing
Co.,

Defendants

Case No.: BC310105

Assigned: Hon. Peter D. Lichtman

Court's Ruling Re: Defendants' Motion for
Judgment on the Pleadings

(Application of Proposition 64)

Hearing Held: December 9, 2004

Submitted: December 9, 2004

Introduction

On December 9, 2004 this Court presided over the oral arguments regarding Defendants' Motion for Judgment on the Pleadings with Respect to Proposition 64 and its application, if any, to Plaintiffs' UCL Claims.

On December 8, 2004, this Court granted permission at the status conference in the *Pharmacy Benefits Managers* coordinated actions ("PBM Cases"; Case No. JCCP 4307), to Express Scripts, Inc. ("ESI"), and National Prescription Administrators, Inc. ("NPA"), on behalf of themselves and other defendants similarly situated in the PBM Cases (collectively, the "*Amici Curiae*"), to submit an ***Amicus Brief*** for the

1 Court's consideration on the issue of the application of California Proposition 64 to
2 pending actions commenced before November 3, 2004. Specifically, the *Amicus*
3 *Brief* supports Defendants' Anheuser-Busch Cos., Inc., and Miller Brewing Co.'s
4 ("Defendants") motion for judgment on the pleadings.

5
6 Having read and considered all moving and opposing points and authorities
7 (inclusive of the reply), as well as the *Amicus Brief*, this Court now proceeds with its
8 ruling.

9
10 **Background**

11
12 In the above-entitled matter, plaintiffs allege that the defendants, producers of
13 alcoholic beverages, are targeting teenagers by placing advertising in print, television,
14 and radio venues for which there is a high percentage of teen consumers. According
15 to plaintiffs, such advertising induces teenagers to illegally buy and drink alcoholic
16 beverages. The amended complaint alleges four causes of action: Violations of the
17 Unfair Competition Law ("UCL") Cal. Bus. & Prof Code § 17200 et seq.; Public
18 Nuisance; Unjust Enrichment; and Violation of the Consumer Legal Remedies Act,
19 Cal. Civ. Code § 1750 et seq.¹

20
21 The named plaintiffs are Lynn and Reed Goodwin who lost their daughter to a
22 teenager who was driving under the influence of alcohol and Jeromy McKenna and
23 Adam Burstein who allege that they are California residents, purchased or consumed
24 defendants products when they were under the age of 18 and who claim to have been
25 exposed to defendants' advertising and promotional campaigns as described in the
26 amended complaint. The plaintiffs allege that they represent a class of California
27

28 ¹ It is to be noted that the instant motion is directed only at plaintiffs' UCL claim. The remaining causes of action are the subject of another Motion for Judgment on the Pleadings that has been briefed by the parties but will be heard at a later date.

1 residents who are or were under the age of 18 and have been in some way influenced
2 by defendants' advertising.

4 **Summary of Arguments and Positions**

5
6 On November 2, 2004, California voters passed Proposition 64 which
7 eliminated the ability of uninjured parties to pursue non-class representative actions
8 for the benefit of the general public.

9
10 Proposition 64 amended, *inter alia*, Section 17204 of the Business and
11 Professions Code to provide that a private plaintiff can prosecute a UCL action **only** if
12 that plaintiff "*has suffered injury in fact and has lost money or property as a result of*
13 *[the defendant's] unfair competition.*"

14 15 **Proposition 64**

16
17 Proposition 64 changed the standing requirements of the unfair competition
18 laws by amending three sections of the business and Professions Code.

19
20 With respect to § 17203 of the Business & Professions Code, Proposition 64
21 added the following language:

22
23 *Any person may pursue representative claims or relief on behalf of others*
24 *only if the claimant meets the standing requirements of Section 17204 and*
25 *complies with Section 382 of the Code of Civil Procedure, but these*
26 *limitations do not apply to claims brought under this chapter by the*
27 *Attorney General, or any district attorney, county counsel, city attorney, or*
28 *city prosecutor in this state. Ibid.*

1 As stated above, Proposition 64 also amended §17204 of the Business &
2 Professions Code. Prior to the amendment, § 17204 stated:

3
4 *Actions for any relief pursuant to this chapter shall be prosecuted . . . by*
5 *any person acting for the interests of itself, its members or the general*
6 *public.*

7
8 As amended, §17204 now reads:

9
10 *Actions for any relief pursuant to this chapter shall be prosecuted . . . by*
11 *any person who has suffered injury in fact and has lost money or property*
12 *as a result of such unfair competition. Ibid.*

13
14 The final standing amendment combines the prior two amendments, and
15 deletes ***“acting for the interests of itself, its members or the general public”*** from
16 §17535 and replacing it with:

17
18 *[one]who has suffered injury in fact and has lost money or property as a*
19 *result of such unfair competition. Any person may pursue representative*
20 *claims or relief on behalf of others only if the claimant meets the standing*
21 *requirements of Section 17204 and complies with Section 382 of the Code*
22 *of Civil Procedure, but these limitations do not apply to claims brought*
23 *under this chapter by the Attorney General, or any district attorney, county*
24 *counsel, city attorney, or city prosecutor in this state. Bus & Prof. Code §*
25 *17535.*

26 //

27 //

28

1 **Defendants' Contentions**

2
3 Defendants assert that Proposition 64 as enacted prohibits plaintiffs' UCL claim.
4 According to the moving defendants, partial or total repeals of statutory rights take
5 effect immediately, unless there is a savings clause. Defendants contend that
6 Proposition 64 amounts to a repeal of the statutory authorization allowing uninjured
7 people to act as private attorney generals to assert UCL claims on behalf of the
8 general public. The proposition contains no savings clause and thus applies to all
9 pending cases. The **Amicus Brief** submitted in support of defendants' instant motion
10 likewise asserts that an action wholly dependent on statute abates if the statute is
11 repealed without a saving clause before the judgment is final." **Younger v. Superior**
12 **Court** (1978) 21 Cal. 3d at 109 (citing **Governing Bd. v. Mann** (1977) 18 Cal. 3d 819,
13 829-31); **Southern Serv. Co. v. City of Los Angeles** (1940) 15 Cal. 2d 1, 11-12.
14 "[W]hen a right of action does not exist at common law, but depends solely upon a
15 statute, the repeal of the statute destroys the right unless the right has been reduced
16 to final judgment or unless the repealing statute contains a saving clause protecting
17 the right in a pending litigation." **Krause v. Rarity** (1930) 210 Cal. 644, 652-53.²

18 //

19 //

20
21
22 ² See also **Physicians Comm. for Responsible Medicine v. Tyson Foods, Inc.** (2004) 119 Cal. App.
23 4th 120, 125 ("The repeal of a statutory right or remedy . . . presents entirely distinct issues from that of the
24 prospective or retroactive application of a statute."); **Beckman v. Thompson** (1992) 4 Cal. App. 4th 481, 489
25 ("Where a right or remedy did not exist at common law but is dependent on a statute, the repeal of the statute
26 without a savings clause destroys such right unless it has been reduced to a final judgment."); **Graczyk v.**
27 **Workers' Comp. Appeals Bd** (1986) 184 Cal. App. 3d 997, 1006-07 (same); **Lemon v. Los Angeles Terminal**
28 **Ry. Co.** (1940) 38 Cal. App. 2d 659, 670 (same); **Pac. Gas Radiator Co. v. Super. Ct.** (1924) 70 Cal. App.
200, 203 ("[W]here jurisdiction depends upon a statute[,] suits brought during the existence of the statute fall at
once upon its repeal."); Cal. Bus. & Prof. Code § 4 ("No action or proceeding commenced before this code takes
effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein
shall conform to the provisions of this code so far as possible."); 7 Witkin, Summary of Cal. Law, Constitutional
Law, § 497, p. 690 (9th ed. 1990) ("An exception to the rule of prospective construction is recognized where a
right of action is created by statute and the statute is repealed without a saving clause: The repeal will operate
retroactively to terminate a pending action based on the statute.").

1 In addition to the argument set forth above, defendants contend that where a
2 new law affects only procedural rules, it applies immediately. Since Proposition 64
3 affects **standing**, which is a procedural concern, the proposition applies to pending
4 cases.

5
6 Hence, defendants contend that the plaintiffs here do not meet the new
7 standing requirements of the UCL and thus, their UCL claim cannot proceed.

8
9 ***Plaintiffs' Contentions***

10
11 Plaintiffs argue first, that there is no repealed statute rule. Instead, a court
12 needs to examine legislative or voter intent as to whether a statute is meant to apply
13 retroactively.³ According to plaintiffs, Proposition 64 lacks the clear intent by the
14 voters to apply it retroactively.

15
16 Second, plaintiffs argue that application of the changes to the UCL to the instant
17 matter would affect substantive rather than procedural rights. Where a new law
18 affects substantive rights, courts can only apply it prospectively unless there is intent
19 to apply it otherwise and such application passes constitutional muster.

20
21 Plaintiffs also argue that even if Proposition 64 applies to the instant matter,
22 plaintiffs McKenna and Burstein have sufficiently alleged standing.

23
24 //

25 //

26 //

27

28

³ Note that defendants are not really arguing for "retroactive" application of the statutory changes but rather for application of the proposition to a currently pending case.

1 **Discussion of the Law**

2
3 **The Statutory Repeal Rule**

4
5 **California Constitution Article II, sec. 10** provides that an initiative or
6 referendum approved by a majority of votes takes effect the day after the election
7 unless the measure provides otherwise. Thus, Proposition 64 became effective
8 November 3rd, 2004.

9
10 **The question presented here is whether the Proposition is properly**
11 **applied to currently pending cases filed before November 3, 2004.**

12
13 The interpretation of propositions is directly analogous to that of statutes and
14 accordingly a review of cases related to statutory application is mandatory. *"In*
15 *interpreting a voter initiative ... we apply the same principles that govern the*
16 *construction of a statute."* **People v. Canty** (2004) 32 Cal. 4th 1266, 1276. Courts
17 construe propositions by looking at the text and history (including ballot materials) to
18 ascertain voter intent. **John L. v. Superior Court** (2004) 33 Cal. 4th 158, 169-171.

19
20 Where a claim or remedy is entirely dependent on a statute and not common
21 law, the repeal of that statutory authorization takes effect immediately unless the
22 amendment contains a savings clause. **Younger**, *supra* at 109-10; **Mann**, *supra* at
23 829. (Reversing dismissal of teacher because statutory authority for dismissal was
24 repealed during the appeal; "If final relief has not been granted before the repeal goes
25 into effect it cannot be granted afterwards, even if a judgment has been entered and
26 the cause is pending on appeal. The reviewing court must dispose of the case under
27 the law in force when its decision is rendered.") Govt Code §§ 9605-06 see also **So.**
28 **Serv. Co., Ltd**, *supra* at 11; **Lemon**, *supra* at 670-671; accord **Callet v. Alioto** (1930)

1 210 Cal. 65, 67-68 (“[as] a general rule, ... a cause of action or remedy dependent on
2 a statute falls with a repeal of the statute, even after the action thereon is pending, in
3 the absence of a saving clause in the repealing statute. [Citations.] The justification for
4 this rule is that all statutory remedies are pursued with full realization that the
5 legislature may abolish the right ... at any time.”)

6
7 “Where, as here, the Legislature has conferred a remedy and withdraws it by
8 amendment or repeal of the remedial statute, the new statutory scheme may be
9 applied to pending actions without triggering retrospectivity concerns.” *Brenton v.*
10 *Metabolife, Int’l Inc.* (2004) 116 Cal. App. 4th 679, 690. This rule applies to all
11 pending actions including those on appeal. See *Mann, supra*.

12
13 Parties do not have a vested right in claims created by statute, as distinguished
14 from common law. *Graczyk, supra* at 1007 (See fn.2.).

15
16 Plaintiffs argue that Proposition 64 cannot properly be viewed as a statutory
17 repeal because it did not repeal the right of the public to obtain relief under section
18 17200. ***However, this Court respectfully disagrees and believes that the***
19 ***proposition should be viewed as a statutory repeal because it repealed the***
20 ***authority for uninjured persons to pursue a claim on behalf of the general***
21 ***public.***

22
23 Here, the UCL previously allowed uninjured people to act as private attorneys
24 general to assert statutory UCL claims on behalf of the general public. California
25 voters **took away (repealed)** that authorization declaring that claims on behalf of
26 others may be brought only as class actions by people with actual injury, causation
27 and standing to sue. There is no savings clause in the proposition and thus, this
28

1 Court applies the statutory repeal rule to conclude that Proposition 64 applies to
2 pending claims.

3
4 Even if the statutory repeal rule did not apply, this Court believes that the
5 proposition would still have immediate application to pending cases because it made
6 only procedural changes to the statute.

7
8 **Standing**

9
10 Standing under the UCL, while previously very broad, is now limited by
11 Proposition 64. See Cal. Bus. & Prof. Code §§ 17203, 17204 (as amended by
12 Prop. 64, §§ 2, 3). Private plaintiffs who do not allege actual “injury in fact” may not
13 “prosecute” claims under either statute. Plaintiffs must satisfy standing at every stage
14 of a suit, and it is their burden to “plead and prove facts showing standing.” **Tahoe**
15 **Vista Concerned Citizens v. County of Placer** (2000) 81 Cal. App. 4th 577, 590-91.
16 **See also Lujan v. Defenders of Wildlife** (1992) 504 U.S. 555, 561.⁴

17
18 The **Amicus Brief** asserts and this Court concurs that decisions within this
19 appellate district explicitly approve the application of new standing rules (such as
20 revised Section 17204) to pending cases. In **Parsons v. Tickner** (1995) 31 Cal. App.
21 4th 1513, the plaintiff, the daughter of a deceased musician, sued defendants (the
22 decedent’s music managers) for fraud. The trial court sustained demurrers on the
23 ground that only the personal representative of the decedent, not his heirs, could
24 maintain the suit. *Id.* at 1521. Prior to demurrer hearing there was a change in the
25 law that abolished the personal representative requirement. *Id.* The court held that
26 the heir/plaintiff had standing to bring the action under the new law:

27
28 ⁴ The courts have explained that “[s]tanding is a jurisdictional issue that may be raised at any time in the proceedings,” not a technical requirement that need only exist at the initiation of an action. **Waste Mgmt. of Alameda County, Inc. v. County of Alameda** (2000) 79 Cal. App. 4th 1223,

1 [The] [n]ewly enacted [statute] must be applied retroactively to this action.
2 There is no vested right in existing remedies and rules of procedure and
3 evidence. . . . The repeal of [the old statute requiring appointment of a
4 personal representative] and the enactment of [the new law] are
5 procedural only and operate retroactively. [Plaintiff's] standing to pursue
6 the claim . . . is now governed by [the new law].

7 *Id.* at 1523.

8
9 "In sum," the Second Appellate District concluded, the plaintiff "has standing to
10 pursue the present action in her capacity as successor in interest to [her father]." *Id.*
11 at 1524. See also *Hogan v. Ingold* (1952) 38 Cal. 2d 802, 811 n.2 (Applying a
12 change in the law that affected the plaintiff's ability to bring a suit to the pending
13 action).

14
15 There can be no question that standing is generally viewed as a procedural
16 concern. Standing is a procedural issue (as opposed to a substantive right) since the
17 issue of standing does not reflect on the merits of the action but, rather, goes to
18 whether the cause of action can be maintained. *Killian v. Millard* (1991) 228
19 Cal.App.3d 1601, 1605 ("The question of standing to sue is one of the right to
20 relief..."). See also *Parsons v. Tickner* (1995) 31 Cal. App. 4th 1513, 1523;
21 *Nathanson v. Hecker* (2002) 99 Cal. App. 4th 1158, 1163; *J&K Painting Co. v.*
22 *Bradshaw* (1996) 45 Cal. App. 4th 1394, 1402 n. 8; *Saks v. Damon Raike & Co.*
23 (1992) 7 Cal. App. 4th 419, 430. The purpose of the standing requirement is
24 procedural-- to prevent multiple lawsuits by different parties for the same harm. *Weil*
25 *& Brown, California Practice Guide: Civil Procedure Before Trial* (The Rutter
26 Group 2004) 2:4.

27

28

1 The *Brenton* court noted that when mere procedural changes are made, it is a
2 “misnomer” to label them retrospective since procedural rules operate “regardless of
3 the time of occurrence of the events giving rise to the cause of action”. As the
4 *Brenton* court explained on page 689:

5
6 “[t]he presumption against retrospective construction does not apply
7 to statutes relating merely to remedies and modes of
8 procedure...[P]rocedural changes ‘operate on existing causes of action and
9 defenses, and it is a misnomer to designate them as having retrospective
10 effect’...In other words, procedural statutes may become operative only
11 when and if the procedure or remedy is invoked, and if the trial postdates
12 the enactment, the statute operates in the future regardless of the time of
13 occurrence of the events giving rise to the cause of action. [Citation.] In
14 such cases the statutory changes are said to apply not because they
15 constitute an exception to the general rule of statutory construction, but
16 because they are not in fact retrospective. There is then no problem as to
17 whether the Legislature intended the changes to operate retroactively... It
18 is the effect of the law, not its form or label that is important for purposes of
19 this analysis”.

20
21 As explained in *Tapia v. Superior Court* (1991) 53 Cal.3d 282, 288:

22
23 Such a [procedural] statute " 'is not made retroactive merely because it
24 draws upon facts existing prior to its enactment [Instead,] [t]he effect of
25 such statutes is actually prospective in nature since they relate to the
26 procedure to be followed in the future." (*Strauch v. Superior Court* (1980)
27 107 Cal.App.3d 45, 49 [165 Cal.Rptr. 552], quoting *Olivas v. Weiner*
28 (1954) 127 Cal.App.2d 597, 600-601 [274 P.2d 476].) For this reason, we

1 have said that "it is a misnomer to designate [such statutes] as having
2 retrospective effect." (*Morris v. Pacific Electric Ry. Co.* (1935) 2 Cal.2d
3 764, 768 [43 P.2d 276].)

4
5 As further elaborated upon in *Kuykendall v. State Board of Equalization*
6 (1994) 22 Cal.App.4th 1194, 1211, fn. 20:

7
8 "We also note the rule that a statute should be construed as not operating
9 retroactively absent a clear legislative direction does not apply where, as
10 here, the statute is remedial or procedural in nature. (*Pacific Coast*
11 *Medical Enterprises v. Department of Benefit Payments* (1983) 140
12 Cal.App.3d 197, 204-205 [189 Cal.Rptr. 558].) "A statute which is
13 procedural in nature may be given effect as to pending and future litigation
14 even if the event underlying the cause of action occurred before the statute
15 took effect. [Citations.]" (*Pacific Coast Medical Enterprises v.*
16 *Department of Benefit Payments, supra*, at pp. 204-205.) "A statute is
17 procedural when it neither creates a new cause of action nor deprives
18 defendant of any defense on the merits. [Citation.] An amendment of a
19 procedural statute applies to cases pending at the time of its enactment,
20 providing vested rights are not affected. [Citations.]" (*Strauch v. Superior*
21 *Court* (1980) 107 Cal.App.3d 45, 49 [165 Cal.Rptr. 552].) SB 263 at most
22 "merely provided a new remedy for the enforcement of existing rights and
23 was procedural in nature. [Citation.]" (Cf. *Pacific Coast Medical*
24 *Enterprises v. Department of Benefit Payments, supra*, at p. 205.)
25 "[P]arties do not have vested rights in existing remedies and rules of
26 procedure. [Citation.]" (*Hardy v. Western Landscape Construction,*
27 *supra*, 141 Cal.App.3d at p. 1018.)
28

1 Plaintiffs are correct in their contention that the distinction between substantive
2 and procedural rights is not always clear-cut. In *Aetna Cas. & Surety Co. v.*
3 *Industrial Acc. Com.* (1947) 30 Cal2d 388, the contention was made that there is no
4 presumption against retrospective construction of statutes relating merely to remedies
5 and modes of procedure. The court's answer was as follows: "This reasoning . . .
6 assumes a clear-cut distinction between purely 'procedural' and purely 'substantive'
7 legislation. In truth, the distinction relates not so much to the form of the statute as to
8 its effects. If substantial changes are made, even in a statute which might ordinarily be
9 classified as procedural, the operation on existing rights would be retroactive because
10 the legal effects of past events would be changed, and the statute will be construed to
11 operate only in futuro unless the legislative intent to the contrary clearly appears."
12

13 If Proposition 64 is not substantively retroactive, there is no associated
14 constitutional impediment. As the court in *Yoshioka v. Superior Court* (1997) 58
15 Cal.App.4th 972, 981-982, 983, provides: "Retrospective application of a statute is
16 constitutional as long as it does not deprive a person of a substantive right without due
17 process of law.... Therefore, a State and its people may alter such rights. Such
18 alteration is only forbidden when at the very least the party is deprived of every
19 reasonable method of securing just compensation".
20

21 Hence, the question presented is whether application of Proposition 64 to the
22 instant matter will deprive any plaintiff of substantive rights even if it operates
23 procedurally. It should be noted that unlike the cases cited by plaintiffs, no party is
24 being exposed to broader or expanded liability than was the law when the conduct
25 occurred.
26
27
28

1 Accordingly, this Court must conclude that the plaintiffs have not lost any
2 substantive rights by immediate application of the proposition. The analysis that
3 follows is self-evident of this point.

4
5 For plaintiffs suing to recover for their own harm, Proposition 64 does not
6 change their ability to sue. A current and immediate application of Proposition 64 to
7 those cases presently pending would not prevent their lawsuit from moving forward.
8 Accordingly, there is no deprivation of rights for those who have suffered injury in fact.

9
10 Plaintiffs suing only as representatives would lose nothing individually, since by
11 definition, they are excluded precisely because they were not personally damaged,
12 but instead sue on behalf of others.

13
14 If the representative Plaintiff is kept out of court by Proposition 64, those
15 formerly represented individuals or entities who have, in fact, suffered actual injury,
16 and have lost money or property, may bring their own §17200 cause of action, or a
17 class action.

18
19 Since Proposition 64 exempts the Attorney General's office from the injury in
20 fact requirement, this would be another way for the State to protect the interests of its
21 citizens. The Attorney General may bring suit on behalf of the public. It can then be
22 said with certainty that the plaintiffs have not been "deprived of every reasonable
23 method of securing just compensation." *Yoshioka, supra*, at 983.

24
25 Moreover, plaintiffs are not losing a right to secure just compensation since
26 damages are not allowed under §17200, but only restitution and injunctive relief. In
27 suits by private parties (as distinguished from law enforcement) damages are not
28

1 allowed under §17200 et seq., but only restitution and injunctive relief. Accordingly,
2 this Court hereby applies Proposition 64 to the instant case.

3
4 **Conclusion**

5
6 There is no dispute that the Goodwin plaintiffs do not have standing under
7 Proposition 64. However, with respect to the McKenna and Burstein plaintiffs it is
8 proffered that they can meet the standing requirements under the new UCL. Plaintiffs
9 assert that they have alleged injury in fact and have established injury and causation
10 sufficient to defeat the instant challenge to the pleadings. This Court respectfully
11 disagrees. The only money or property alleged to have been lost, is the money that
12 the plaintiffs spent on the illegal purchase of alcohol and the argument that some
13 damage resulted from the consumption of alcohol in violation of state law. This Court
14 is not willing to consider money illegally spent on a product which the plaintiffs
15 presumably illegally consumed, as money or property "lost" within the meaning of the
16 UCL. Accordingly, no named plaintiff in this action meets the standing requirements
17 of Proposition 64. Hence, the UCL claim must be dismissed.

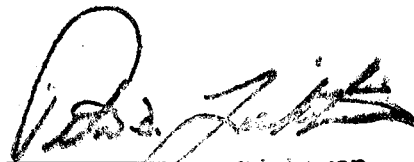
18
19 This Court does not believe that the plaintiffs can allege any facts that will cure
20 the defects. Thus, the Court declines to grant leave to amend. Accordingly, the
21 defendants' motion for judgment on the pleadings is GRANTED without leave to
22 amend.

23
24 **CCP § 166.1 Request**

25
26 Notwithstanding the instant ruling, this Court believes that there exists a
27 controlling question of law to which there are substantial grounds for differences of
28 opinion. Accordingly, this Court believes that appellate review and resolution of this

1 issue may materially advance conclusion of the litigation. Hence, pursuant to CCP §
2 166.1, this Court invites appellate review of the instant order. Likewise this Court
3 invites such review to take place as soon as practicable.

4
5
6 Dated: 12/13, 2004



~~Peter D. Lichtman~~
Peter D. Lichtman
Judge of Superior Court

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28