



The Cramdown

The Newsletter of the Tampa Bay Bankruptcy Bar Association

Editor-in-Chief, Jake C. Blanchard, Fowler White Boggs P.A.

**SPECIAL
PASKAY EDITION**

Summer 2012



PRESIDENT'S MESSAGE

*by Lara Roeske Fernandez
Trenam, Kemker, Scharf,
Barkin, Frye, O'Neill & Mullis,
P.A.*

With Every Farewell, There is a New Beginning

As with every year end party, a President bows out to a new regime. This year was status quo on some levels but certainly much more heartfelt and reflective than in years past. Perhaps it was me who was reflective. I thought about how excited I was to have my first employer, Judge Paskay, be present for my acceptance speech as the president of the TBBBA. I thought about the year of achievements, small as they were – ONE step towards a more unified division, ONE step towards implementing a pro bono program. I thought about the Bar's immense sadness at the loss of a great leader. This dinner would be different than the others. I thought about how I wanted Mrs. Paskay to truly appreciate how much we honored and cherished Judge Paskay. At this dinner, our true expressions of gratitude and love for Judge Paskay came out as key members and figures of the TBBBA gave remarks and antidotes about Judge Paskay. It was a memorable evening. Written expressions can last a lifetime, placed in paper (or electronically stored)

unlike oral presentations that can be forgotten. We dedicate this Cramdown to Judge Paskay so that all of our memories can be expressed and not forgotten.

Now it is time for me to bid farewell and pass the torch (it is the Olympics) to Keith. My predecessors gave me an extremely organized and professional association where I could only move forward. I hope that this past year during my presidency, I lived up to the expectations of our members. I hope that I leave Keith with a machine that works like clockwork. Don't be adverse to change though. Our members must embrace the 21st century and the age of technology. Keith will lead us through a wonderful year. I look forward to his leadership and the presidents to come.

Thanks!

Inside This Issue

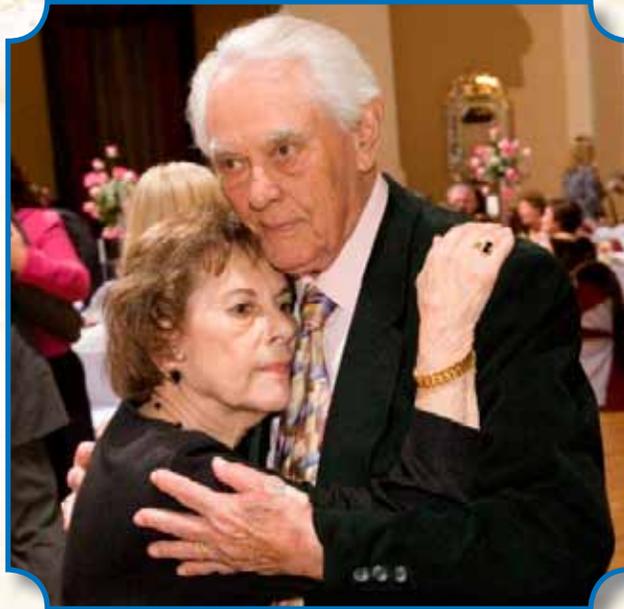
Judge Paskay Remembered

Photographs and stories throughout this issue

The *Cramdown* can be accessed via the Internet at www.flmb.uscourts.gov and www.brokenbench.org

Alexander L. Paskay

November 5, 1922 - April 27, 2012



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We Will Always Remember Judge Paskay's Jokes

by Larry Foyle

Judge had nicknames for a lot of people. Do not know if that meant anything but some were quite funny. My nickname was Mr. GMAC which he used for several years even after I no longer represented GMAC.

So here is the joke

At the height of the Savings & Loan Crisis

Judge Paskay: "It used to be you would go into a S & L and deposit your money into a CD and the S & L would give you a free Toaster. Now you go into a Department Store to purchase a Toaster, they give you a free S & L"

Judge Paskay: "I had a case in which this little old lady was shy and retiring. In fact she was about a million bucks shy and she retired to Brazil"

Judge Paskay at a NACM Meeting: "I was asked to come here tonight because I am told I controversial. I looked that up and it means subject to strong opposing views. On the contrary, I am not controversial, you all uniformly hate my guts"

Jesus Loves You vs Christ is the Answer, Inc.

During the Marathon Pipeline debacle; I was in the middle of a case in which Robert Thomas a local philanthropist was seeking to invalidate a transfer of a property that he had given to the Debtor with no strings attached. He was upset because the property he gave was then regifted to a different Debtor. So right in the middle of the third day of the Trial of Jesus Loves You vs Christ is the Answer, Inc., Judge Paskay came back from lunch and announced we could go home because the Supreme Court had decided Marathon and the bankruptcy court's exercise of jurisdiction was unconstitutional.

The French Bakery case burns the Court Reporter
In the mid 1980s we had a case in which the Expert Witness spoke only in French. I had never met the man before and my 1 year of French in college could only take me so far. So I would ask my question, Judge Paskay would translate it and the Expert would respond in French which would sometimes be translated and sometimes would not, and it was funny when Judge Paskay would say, ok Mr. Foyle what is your next question. . . In any event during this entire ordeal, I noticed that the Court Reporter was using his Stenographer's machine and I asked incredulously whether he could understand French. From there we found out that that not only could he not speak or write French but that he had almost no stenography skills whatsoever. He resigned shortly after that revelation.

I once went with Judge Paskay to an Officer's Club Luncheon at MacDill AFB. He was the featured speaker. As we entered the base he saw a sign that read. "Watch out for low flying planes." After I introduced him to the Generals and Colonels at the luncheon he opened his talk with "I noticed today as I came on base the sign - 'Watch out for low flying planes.' What was I supposed to do? Duck!"

Anyway, I probably have a gazillion Paskayisms. The work better in audio format because of the interesting accent that Judge Paskay kept for his adult life.

Comments to Bar Association at the May 8, 2012 Luncheon

by Chuck Kilcoyne

I was due to be discharged from the Air Force in late November 1972, when I received an award from the JAG office at MacDill – which was presented to me by then President of the Hillsborough County Bar Association – a young sole practitioner who had just opened his office after leaving Sam Bucklew and Maynard Ramsey – his name was Don Stichter.

We talked at the luncheon. He asked me what I was going to do after I left the Air Force, and I told him I was looking for a job with a law firm.

He said, well, why don't you come to work for me. Which I did, starting on December 1, 1972.

The knowledge and work ethic I gained working with "The Boss" has served me well over my career.

We (or the Boss) filed his first bankruptcy case in 1974 and my first experience in meeting Judge Paskay was at a section 341 meeting. At least I think he was up there behind that high bench, leaning back in his chair, because I could hear his questions of the debtor, such as...

Do you own any precious stones, gems, or diamonds?
Do you own any cars, motorcycles, boats, motors or trailers?
Anybody owe you any money?
Etc...

During Thanksgiving week of 1987, Judge Paskay's secretary called and said that the Judge wanted to know if I would be interested in the vacant Deputy-In-Charge position. Told her that I hadn't thought about it and she said, "Get your resume in".

I was offered the Deputy-In-Charge position and accepted, hoping to stay with the Boss until the end of the year to collect my year end bonus. But, no, Judge Paskay called and said, "I need you here on December 1st".

So, I started with the court on December 1, 1987. Having worked with the Boss for 15 years to the day.

For the last 24 plus years, I had the honor of working for Judge Paskay. When we were both in the office, I would meet with him either between 8:30-9:00 or 1:00-1:30 literally everyday and sometimes during the day he would call me (once he figured out that he could call me

on speed dial) and say "can you come see me?" Like I was going to say no.

Always said the same thing when I walked in to his office, "What's new?"

Then we would just talk about any number of topics, but mostly about attorneys who appeared before him.

Things like, "Can you believe what he/she just said in court? "Take a look at this, do you have any idea what he/she wants?" "Look at this decision from the district court, any idea where that conclusion came from?"

He talked and I would listen. Then he would want my opinion or input. That is what made our conversations so special.

As you all know, he had a "devilish sense of humor". He would share with me his "nicknames" for many of you in this room. Most of which I could determine who he was talking about, including those who later became his colleagues on the bench. But I swore I would never reveal them, so I won't.

Judge Paskay didn't really like dealing with personnel issues and when presented with one, he was quick to say, "you take care of that stuff, but let me know what you decide to do . I will support you."

I have thoroughly enjoyed coming to work every day, largely because of my relationship with Judge Paskay and the other judges in this division.

Judge Paskay spent his final few months in the courthouse, using my conference room as an office. He would call me in and I would listen to his stories. Luckily, I have been around long enough to remember some of the names and cases he wanted to talk about.

He signed his last order on December 30, 2011. An order approving a fee application of Mike Brundage. He asked, "How much did he ask for?" I told him, and then he told me the figure to fill in. Well, Mike, he was in a good mood that day, and only cut your request by \$500.00, and I recall that he even allowed all expenses you sought.

Lastly, I will always remember that day, several years ago, in his office when he said, out of the blue, "I consider you a friend of mine."

Rest in peace, my friend.



Amelia Island
July, 2004

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The last of the legendary judges is gone. Some judges have reputations, but he had a mystique. Having the uncanny talent to be brilliant, sarcastic and funny at the same time, Judge Paskay could zero in on an unprepared lawyer like a cobra. Lawyers would arrive early before their hearing and would stay later if they had the time, just to watch him in action. You never won with Alex...you came out even.

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A Law Clerks' Toast To Judge Paskay

*Richard Blackstone Webber II
and
Rebecca Henderson Glass*

*We've seen our Chief Judge hard at work
We've seen him hard at play
We've seen him in the courtroom
We've seen him everyday*

*And since we've seen him so much
And know him as we do
We thought we'd let him see himself
From his law clerks' point of view*

*To begin with, he's our main man
The only boss we have
As a jurist he's outstanding
As a boss, he's not too bad*

*He doesn't ask that much of us
Our duties are quite few
We draft and proof and check the files,
The orders, and phone calls too.*

*In the morning we get coffee
In the afternoon, iced tea
We jump when e'er the buzzer sounds
And go forth speedily*

*It's quite a cush position
We can't complain too much
But while we're here we might point out
A few shortcomings and such*

*Like when the Judge starts writing things
And drafting his decisions
Our Judge Paskay must do at least
A thousand and one revisions*

*He also has a tendency
To be a little wordy
And to start a sentence on page 1
But not finish until page 30*

*He sometimes leaves out numbers
When writes down cites for cases
But what's a law clerk good for
If we can't fill in the spaces
What are we good for?*

*Well, we don't know
That's not an easy question
We're not that bright, we're over paid
We give Mark indigestion*

*We give the Judge a headache
We exasperate him
But the one thing that we never do
Is underestimate him*

*He is the best at what he does
We can't name a Judge that's finer
He's a whiz at solving problems
Both the major ones and minor*

*He has entertained us with
His mimic of the faces
And the characters who came
Into the courtroom that he graces*

*He's got a cache of stories
That any bard would covet
Though he has a job that might get him down
He's learned to laugh about it*

*But the things we like the best about the Judge
Defy description
And the things we've learned since we've been with him
Are too numerous to mention*

*We've learned the law, we've learned the Rules
We've learned to handle pressure
We seen that the worth of his years on the bench
Is just too great to measure*

*Since our time is growing short
We'll conclude now as we tell you
The things the Judge has taught us
Are things of lasting value*

*So -- a toast to you, Judge Paskay
May your tenure never cease
May your days be filled with laughter
May your years be filled with peace*

*(Presented in a tandem duet at Tampa Division
Bankruptcy Court Christmas Party in December 1986)*

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I have a short story about Judge Paskay which took place shortly after I got my first job as an attorney in Tampa in 1986. The bankruptcy attorney I worked for had an office on Twiggs Street, across the street from where the Bankruptcy Court was then situated. Because of our location, we would cover “Discharge Hearings” (which were required by the Bankruptcy Code at that time) for out of town attorneys. At one hearing, I was informed that a couple of clients of an out of town lawyer would not be attending the discharge hearing the next day. Denise Garcia, Judge Paskay’s Courtroom clerk at that time, would take attendance before the Judge would come into the Courtroom, and then after he gave his standard speech, Judge Paskay would then go over the list of absentees to see if they had come in late, or to hear why the Debtors did not attend the hearing.

When the Judge came to the name of the clients I was covering for, I stood up and informed Judge that Mr. So and So was not there. “Why not?” Judge Paskay wanted to know. “Because he was deceased” was my reply. The Judge sat back in his chair and did not say anything for a few seconds. Uncomfortable with the silence, I continued “He’s dead your Honor”. The Judge snapped back “I know what that word means. . . . Well no creditors are going to follow him where he is going anyway. . . . Is Mrs. So and So here?” “No sir, she is not” was my reply. “Why not?” the Judge beseeched. “Because she shot him”, I responded. Judge Paskay ruled that was not as good an excuse.

And that is my best Judge Paskay story;.

Joel S. Treuhaft
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UPCOMING EVENTS

September 5, 2012 • Consumer Workshop Lunch

The next Consumer Workshop Lunch will be held at noon on Wednesday, September 5, 2012 in the Meeting Room located on the 5th Floor of the Courthouse. The speaker will be Shawn Yesner, partner at Yesner, Boss, & Arrighi. The topic will be "Everything You Always Wanted to Know About Short Sales and Deeds in Lieu but Were Afraid to Ask". Shawn will discuss the advantages and disadvantages of short sales and deeds in lieu vs. bankruptcy, including the potential impact on credit and tax liabilities

Tuesday, September 11, 2012 • TBBBA Meeting/CLE Lunch

The next TBBBA Meeting/CLE Lunch will be held at noon on Tuesday, September 11, 2012 at the University Club in downtown Tampa.

Wednesday, September 12, 2012 • Judges' Quarterly Brown Bag Mentoring Programs for Lawyers New to Bankruptcy • 12pm

Topic: Nuances of Various Stay Relief Weaponry: Sometimes You Don't Need An Elephant Gun

Location: 5th Floor Training Room, Sam M. Gibbons U.S. Courthouse (please note that the topic and date are subject to change)

Tuesday, October 2, 2012 • Consumer Workshop Lunch

Consumer Lunch Workshop, details to follow

Tuesday, October 9, 2012 • Joint CLE Half-Day Seminar and Lunch— TBBBA/HCBA

details to follow

Thursday, October 25 - Friday, October 26, 2012 • 50th Anniversary Celebration of the Middle District of Florida

Fifty years ago, the Middle District of Florida was born! To celebrate its 50th anniversary, the Court, with planning assistance and funding from the bar, is hosting a gala celebration on the evening of Thursday, October 25, 2012, followed by an academic symposium on Friday, October 26, 2012, featuring prominent Florida legal scholars who will reflect on historic cases and issues that have impacted the Middle District of Florida and the nation over the last 50 years. The symposium will also feature law students presenting papers on selected cases, and Prof. James M. Denham, Director of the Lawton M. Chiles Center for Florida History (at Florida Southern College), will preview some chapters from his upcoming book on the history of the Middle District. The gala and symposium will be held in Orlando, but all members of the bar of the Middle District of Florida are encouraged to participate in this district-wide celebration. For information on ticket prices, hotel accommodations, and the agenda for the symposium, please contact Elizabeth Warren at Elizabeth_Warren@fimd.uscourts.gov



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Congratulations Suzy Tate

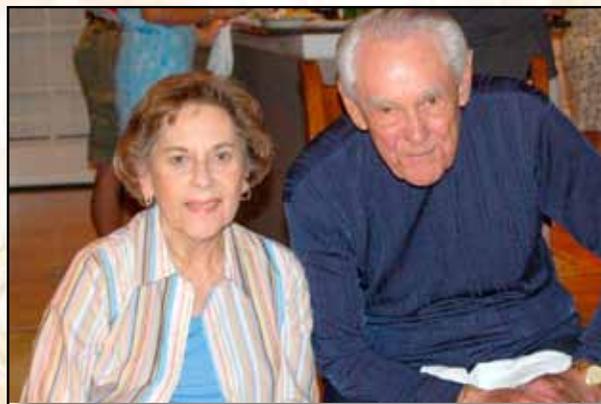
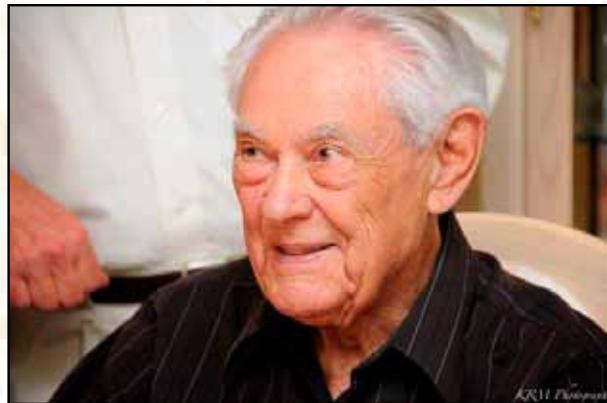
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Suzy's practice areas include business bankruptcies, chapter 7 trustee representation, business litigation, creditors' rights, loan workouts, foreclosure defense, and assignments for the benefit of creditors. Suzy is Board Certified in Business Bankruptcy Law and has served on the Tampa Bay Bankruptcy Bar Association board of directors for the past three years.

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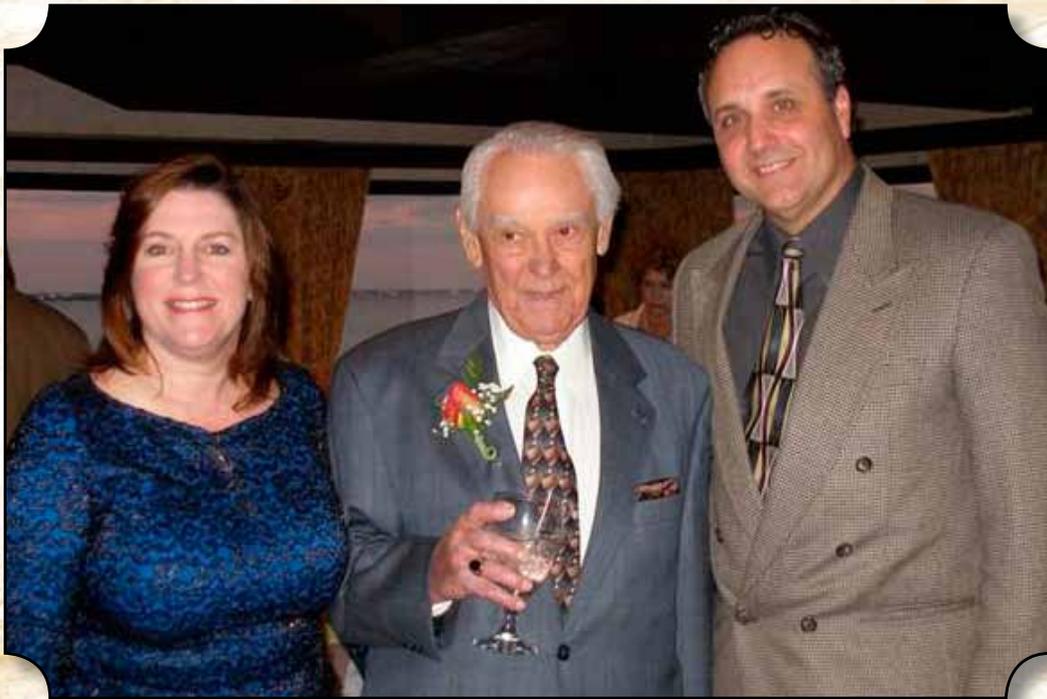
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Roberta Colton of Trenam Kemker Receives the Doug P. McClurg Professionalism Award

At the annual dinner of the Tampa Bay Bankruptcy Bar Association (TBBBA), held on June 5, 2012, Judge Glenn introduced Roberta Colton as the recipient of the Doug P. McClurg Professionalism Award for 2012. The “Doug P. McClurg Professionalism Award” was established on April 4, 2006, by the TBBBA, following the untimely death of Doug McClurg on November 10, 2002. The plaque of recipients is displayed in the Tampa Federal Courthouse on the main floor below the picture of Sam Gibbons.

The McClurg Award is presented from time to time to an individual who exemplifies the traits of Doug. Criteria include a) reputation for thorough preparation; b) civility and courtesy to opposing counsel; c) appropriate courtroom demeanor; d) ethical conduct and professionalism at the highest level; and e) long-term service to the bankruptcy bar.

This is the most prestigious award that the TBBBA gives to a member of its Association. There is a selection committee comprised of the current president, the current chair, two past chairs, a prior recipient, and one bankruptcy judge currently sitting in the Tampa Division.

The award and its recipient remains a secret until the actual announcement. At this year’s annual dinner, Judge Glenn, before an audience of over 175 attendees, began with a wonderful tribute to the Honorable Alexander L. Paskay that evolved into the announcement of the McClurg Award recipient. Roberta Colton was quite surprised. With her quick and savvy intellect, she had the quote of the evening: “I am too young to receive this award!” It was a wonderful evening dedicated for a tribute to the late Judge Paskay, with Mrs. Paskay in attendance, as well as Chief Judge Jennemann. I am proud to work along side Robbie and this award could not have gone to a more deserving member of the TBBBA.

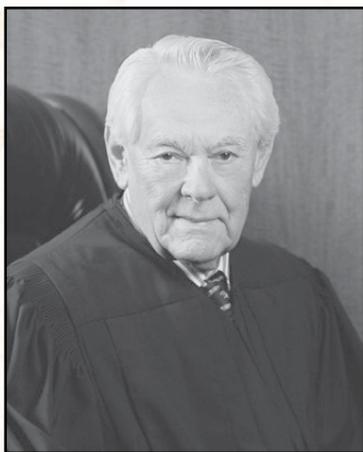


Pictured Left to Right: Keith Appleby, Lara Fernandez, Roberta Colton

Eulogy
In Memory and Honor of
Alexander L. Paskay

November 5, 1922 - April 27, 2012

*Sacred Heart Catholic Church, Tampa, FL
May 5, 2012
Remarks by Paul M. Glenn*



Strong
Smart
Decisive
Direct

This is the person you saw

Intelligent
Academic
Humorous
Sensitive
Competitive

This is the person you got to know

A leader
A teacher
An author
A man who made a National and International impact
A devoted husband and father

This is the person he was

He was a remarkable man.

In his poem *Ithaca*, the Greek poet Constantine Cavafy wrote:

**When you set out on your journey . . . ,
Pray that the road is long,
Full of adventure, and full of knowledge . . .**

Alexander L. Paskay's journey began on November 5, 1922, 89 years ago, in Mohacs, a town in southern Hungary. This was a very different time and a very different world.

His early years were full of adventure and knowledge. He did well in school, learned languages, played sports—even went to see the 1936 Olympic Games in Berlin.

He went to Law School in Budapest. He had many talents, and while in law school he also wrote for a newspaper, acted in theater, and played sports. Bright, well rounded, and well liked—every door was open for him.

Cavafy continues:

**Do not fear the . . .
. . . Cyclops and the angry Poseidon . . .**

Judge Paskay's strength and character were forged in 1944, when he was 22 years old. Germany invaded Hungary. Hungarian men were rounded up and marched toward the Austrian border to dig trenches for the German soldiers. Young Alexander and a few of his friends escaped from the German guards, traveled by night and hid by day, and reached the Allied forces. Because of his knowledge of languages, he served as an interpreter for the Allied Forces.

His goal was then to come to the United States. With some difficulty, he located an uncle who lived in Miami. With more difficulty, he was able to board a troop ship with 1200 others. He traveled by ship to New Orleans and by train to Miami.

Cavafy continues:

**Pray that the summer mornings are many, when,
With such pleasure, with such joy,
You will enter ports seen for the first time**

When he arrived in Miami he was greeted by his Uncle and his uncle's wife.

On his first day in Miami he looked for jobs, and found a job as a sweeper and salesman at an Army-Navy store.

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Paskay Eulogy

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“On my second day” he wrote in the notes for his oral history for the Court, “I was greeted by my uncle’s neighbor, who lived across the street, with a bottle of home-made wine. He introduced his daughter [and] she helped me . . . since I was not familiar with the typical American expressions.”

And that daughter, Rose, was his dream. He proposed to her two weeks later. She gave it some thought, and they were married a year later. Steve was born in 1952 and Rick was born in 1955.

In the 1950s he worked full time, attended law school at the University of Miami at night, and graduated third in his class in 1958.

After law school he was selected to be a law clerk for U.S. District Judge Joseph Lieb. When Judge Lieb moved to take the bench in Tampa, Alexander Paskay moved with him.

And in 1963, at his request, Judge Paskay was appointed as a Bankruptcy Referee in the Middle District of Florida.

Ithaca continues:

**Visit many Egyptian cities,
to learn [and to teach with] the scholars;**

. . .

**And do not hurry the voyage at all;
It is better to let it last for many years . . .**

And this began the phase of his life where he became a person of national and international importance.

He was the leader of our Bankruptcy Court in the Middle District of Florida for almost 50 years, as the Court grew from 448 cases to 8 judges and over 60,000 cases in a year.

And in that almost 50 years, he led not only our Court, but he led and assisted with the development of the Bankruptcy and commercial laws in the United States and internationally.

Everywhere we go in the Bankruptcy world, when people learn that we are from Florida, they always ask about Judge Paskay.

And when you went into his chambers, you would understand why he was so widely known and highly regarded.

On his bookshelves were casebooks and textbooks and treatises.

- He was one of the most prolific writers among the Bankruptcy Judges in the Country. Westlaw has over 1,800 of his decisions on its website. Also, he wrote or contributed to numerous handbooks and treatises.

- His many opinions and treatises provide a foundation and significant guidance for the interpretation and application of the Bankruptcy and commercial laws, and they add to the common law of our land.

On the walls of his office were diplomas and certificates, and letters from Congressmen.

- He testified before Congress as Congress considered the adoption of the Bankruptcy Code.

- Then he was appointed by the Chief Justice to the Advisory Committee on the Bankruptcy Rules and Practice.

- And after his service on the Rules Committee, he was appointed to the Task Force for the revision of the Bankruptcy Forms.

Also on the walls were accolades and thanks from national organizations.

- In 1982 Judge Paskay joined with others to organize the American Bankruptcy Institute, that is now a major national organization for the education of all of the Bankruptcy lawyers in the country.

- He was one of the early Board members and was instrumental in the early years of the National Conference of Bankruptcy Judges, the professional association for all of the Bankruptcy Judges in the Country.

- And in 1990 he was honored as a Fellow of the American College of Bankruptcy, and inducted into its original class at the Supreme Court of the United States.

Also on the shelves was the textbook that he had written for the courses that he taught.

- He taught bankruptcy courses to law students at

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Paskay Eulogy

continued from p. 22

Stetson Law School since 1973. Many of his students are now successful lawyers, and are here today.

- He organized and chaired Stetson's annual bankruptcy seminar for attorneys and bankruptcy professionals for over 30 years, and was honored by Stetson and the American Bankruptcy Institute when the seminar was named "The Alexander L. Paskay Seminar on Bankruptcy Law and Practice."

- He organized and conducted international bankruptcy symposiums with the sponsorship of Stetson in Hungary, Italy, Germany, and Canada.

- Internationally, he has made presentations to the International Association of Jurists and to the World Jurist Association.

- And in 2007 he was inducted onto the Stetson University College of Law Hall of Fame.

When you were in his Courtroom, you saw a man who loved challenges and debate—who raised questions to test the breadth and depth of your knowledge, and of his own knowledge—a competitor who loved best those who could keep up with him.

And after the debate, regardless of the responses, you saw a man who cherished fairness and equity. He was fair to the law, and fair to the parties. And on both legal and non-legal matters, he was a person with a strong sense of right and wrong—a strong sense of fairness and equity.

And you also saw his sense of humor and perspective. Every time I saw Judge Paskay he had something light to add, whether or not there was something serious to discuss.

And finally, you saw the deep sense of importance he had for his family. He endured first hand the ravages of World War II, and witnessed families torn apart, lives destroyed, and the blind inequities of war. This contributed to his lasting devotion to fairness, principles of equity, and family.

Rose is a wonderful person—gracious and thoughtful—and an understanding wife. She often traveled with Judge Paskay, and she is also known nationally. Their successful sons, Steve and Rick, have seen and have

learned the importance of hard work and the success it brings.

To cap his achievements, in 2007 he received the two highest awards for professionals in the fields of bankruptcy law:

- The William L. Norton, Jr. Judicial Excellence Award, presented by Thomson/West publisher and the American Bankruptcy Institute, for a Judge with a career of lifetime achievement; and

- The Lawrence P. King Award for Excellence in the Field of Bankruptcy, presented by the Commercial Law League of America, that recognizes a lawyer, judge, teacher, or legislator.

Very few people have had as great an influence on as many people in this country as has Judge Paskay.

So that is my portrait of Judge Paskay. The initial sketch from my first meeting with him was filled in with colors over the years; and the colors are not dabs of pastels, but the canvas is full and the colors are bold and deep and rich.

Cavafy concludes:

**... anchor at the island when you are old,
Rich with all you have gained [and given to us] along
the way.**

The life of Alexander L. Paskay was an incredible life of ability, challenge, and achievement. It was the life of a man who began his journey in Hungary, experienced the ravages of war, came to America with only his dreams and aspirations, made national and international contributions to the laws, and ended his life as a legend.

His passing is truly the end of an Era.

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