

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

MARGARET LAMKIN,

Plaintiff,

v.

Case No. 5:12-mc-3-Oc-10TBS

NATIONAL STEAK PROCESSORS, INC.
d/b/a NATIONAL STEAK & POULTRY,

Defendant,

JBS USA HOLDINGS, INC., a Delaware
Corporation and JBS USA LLC, a Delaware
Corporation,

Third-Party Defendants.

ORDER

Pending before the Court are:

1. Non-Party, Ruby Tuesday, Inc.'s Objection to the Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action Served by National Steak Processors, Inc. d/b/a National Steak & Poultry, et al., on or about March 1, 2012 (Doc. 1);
2. Non-Party, Ruby Tuesday, Inc.'s Objection to the Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action Served by JBS USA Holdings, Inc. and JBS USA LLC on or about March 9, 2012 (Doc. 3);
3. Non-Party, Ruby Tuesday, Inc.'s Amended Objection to the Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action Served by National Steak Processors, Inc. d/b/a National Steak & Poultry, et al., on or about March 1, 2012 (Doc. 5);
4. National Steak Processors, Inc., d/b/a National Steak & Poultry's Response to Non-Party, Ruby Tuesday, Inc.'s Objection to Subpoena (Doc. 6); and

5. Third-Party Defendants JBS USA Holdings, Inc. and JBS USA, LLC's Joint Response to Non-Party Ruby Tuesday, Inc.'s Objection to Subpoena (Doc. 7).

On April 18, 2012, the Court conducted a hearing on these matters. For the reasons stated on the record at the hearing, all of which are hereby incorporated by reference, it is ORDERED:

(1) Non-Party, Ruby Tuesday, Inc.'s motions to quash the subpoenas served by National Steak Processors, Inc. d/b/a National Steak & Poultry, et al., on or about March 1, 2012 and by JBS USA Holdings, Inc. and JBS USA LLC on or about March 9, 2012 (Docs. 1 & 3) are DENIED and all objections to the subpoenas are OVERRULED.

(2) Within ten (10) days of the rendition of this Order, Non-Party, Ruby Tuesday, Inc. shall produce all purchase orders, invoices or other documents that show where it obtained beef products during the period August 1, 2009 through October 31, 2009.

(3) The Court is not ordering payment of fees related to compliance with the subpoenas at this time. If the parties are unable to resolve the issue of fees, they may file a motion with the Court.

IT IS SO ORDERED.

DONE AND ORDERED in Ocala, Florida, on April 18, 2012.



THOMAS B. SMITH
United States Magistrate Judge

Copies to all Counsel