

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

D & M SALES, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
LORILLARD TOBACCO CO.	:	NO. 09-2644

**ORDER**

**AND NOW**, this 8th day of March, 2010, upon consideration of Defendant Lorillard Tobacco Co.'s Motion to Dismiss (Docket No. 9), the parties' arguments at the Hearing held on February 9, 2010, and all concomitant briefing, **IT IS HEREBY ORDERED** as follows:

1. The Motion to Dismiss is **GRANTED**.
2. **JUDGMENT IS ENTERED** in favor of Defendant.
3. The Clerk shall close this case statistically.

BY THE COURT:

/s/ John R. Padova  
 \_\_\_\_\_  
 John R. Padova, J.