

**FILED**

SEP 03 2008

*[Signature]*  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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TOFASCO OF AMERICA, INC.,  
a California Corporation,

Plaintiff,

-vs-

ATICO INTERNATIONAL U.S.A. INC.,  
a Delaware Corporation,

Defendant.

CIV. 08-MC-23

ORDER

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Pending is the need to address Objections of Lewis Drug Inc. regarding a subpoena served upon it by Tofasco of America, Inc. (Doc. 1). The objections to the subpoena were filed on May 21, 2008. Tofasco has filed no response to the objections. The objections are considered as a motion to quash the subpoena. It is

ORDERED that the objections (Doc. 1) are GRANTED and the subpoena is QUASHED.

Dated this 3<sup>rd</sup> day of September, 2008.

BY THE COURT:

*[Signature]*  
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John E. Simko  
United States Magistrate Judge