

FILED

MAY 05 2011

[Signature]
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

IMPERIAL ENTERPRISES, INC.,

11-MC- 55

Plaintiff,

vs.

**MOTION TO QUASH AND
OBJECTIONS TO SUBPOENA**

DOES 1-3,145,

Defendants.

COMES NOW Midcontinent Communications, a non-party to the above-entitled matter, which has been served with a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, and asserts objections to that subpoena and moves the Court to quash that subpoena to allow Midcontinent Communications a reasonable opportunity to alert subscribers and customers of a potential release of information, consistent with its privacy policies and statements adopted in consideration of federal law, before requiring such disclosure, and to assure adequate protections against undue burden or expense, consistent with FED.R.CIV.P. 45.

Dated at Sioux Falls, South Dakota, this 5th day of May, 2011.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.

[Signature]
Sandra Hoglund Hanson
206 West 14th Street
PO Box 1030
Sioux Falls, SD 57101-1030

Telephone: (605) 336-2880
Facsimile: (605) 335-3639
E-mail: shanson@dehs.com
*Attorneys for Midcontinent
Communications*

CERTIFICATE OF SERVICE

Sandra Hoglund Hanson, one of the attorneys for Midcontinent Communications, hereby certifies that a true and correct copy of the foregoing “Motion to Quash and Objections to Subpoena” and “Affidavit of Marjorie L. Johnson” was served by mail upon:

Ellis L. Bennett
Dunlap Grubb & Weaver, PLLC
1200 G Street
NW Suite 800
Washington, DC 20005
Attorneys for Plaintiff

on this 5th day of May, 2011.


