

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)
) CR08-50079
 Plaintiff,)
)
 vs.)
) **MOTION TO QUASH SUBPOENA**
) **OF THEDA CLARK**
 JOHN GRAHAM A/K/A JOHN BOY)
 PATTON, and VINE RICHARD)
 MARSHALL, A/K/A RICHARD VINE)
 MARSHALL A/K/A DICK MARSHALL,)
)
 Defendants.)

COMES NOW, Theda Clarke, by and through her attorney of record, Michaele Sanders Hofmann, and hereby respectfully moves this Court, pursuant to Federal Rules of Evidence 403, 601 and 602, to enter an Order quashing the subpoena of Theda Clark in the trial of the above-referenced matter.

This Motion is made and filed based on the official court file, the accompanying legal memorandum, and the affidavits of Dr. Jerry L. McLain, M.D., Jaynelle Hinnegan, R.N., and Michaele Sanders Hofmann.

Dated this 4th day of May, 2009.

/s/ *Michaele Sanders Hofmann*

Michaele Sanders Hofmann
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