

FILED: August 11, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2108
(1:99-cv-02008-WDQ)

TFWS, INCORPORATED, d/b/a Beltway Fine Wine and Spirits,

Plaintiff - Appellee

v.

PETER FRANCHOT, Comptroller of the State of Maryland; THADDEUS
S. RUSSELL, Director of the Motor Fuel, Alcohol and Tobacco Tax
Regulatory Division,

Defendants - Appellants

and

WILLIAM DONALD SCHAEFER, in his Official Capacity as Comptroller
of the Treasury of the State of Maryland; LARRY W TOLLIER,
Director, Regulatory and Enforcement Division, Office of the
Comptroller of the State of Maryland; CHARLES W. EHART, in his
Official Capacity as Administrator of the Alcohol and Tobacco
Tax Unit of the Comptroller of the State of Maryland,

Defendants

LICENSED BEVERAGE DISTRIBUTORS OF MARYLAND, INCORPORATED;
AMERICAN BEVERAGE LICENSEES; MARYLAND STATE LICENSED BEVERAGE
ASSOCIATION; NATIONAL BEER WHOLESALERS ASSOCIATION; WINE AND
SPIRITS WHOLESALERS OF AMERICA, INCORPORATED,

Amici Supporting Appellant

O R D E R

The petition for rehearing en banc was circulated to the full Court. No judge requested a poll under Fed. R. App. P. 35. The Court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk