

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SIESTA VILLAGE MARKET, LLC,	§	
d/b/a SIESTA MARKET, et al.,	§	
	§	Civil Action No. 3:06-CV-0585-D
Plaintiffs,	§	(Consolidated with Civil Action
	§	No. 4:06-CV-0232-D)
v.	§	
	§	
RICK PERRY, Governor of Texas,	§	
et al.,	§	
	§	
Defendants.	§	

JUDGMENT

For the reasons set out in the United States Court of Appeals for the Fifth Circuit’s opinion of July 22, 2010, it is ordered and adjudged as follows.

I.

The court declares that the following provisions of the Texas Alcoholic Beverage Code (“the Code”) are constitutional as applied to out-of-state retailers: §§ 6.01, 11.01, 22.01, 22.03 (as amended in 2007), 24.03, 41.01, 54.12, 107.05(a), 107.07(a), and 107.07(f).

The court declares that following provisions of the Code are unconstitutional with regard to any citizenship requirements applied to out-of-state retailers: §§ 6.03, 11.46(a)(11), 11.61(b)(19), 24.01(c), and 109.53 of the Code (hereafter the “Texas citizenship requirements”).

As applied to out-of-state retailers, the court enjoins John T. Steen, Jr., Gail Madden, Jose Cuevas, Jr., and Alan Steen, their officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this judgment by personal service or otherwise (hereafter the “State”), from enforcing the Texas citizenship requirements.

II.

It is further ordered and adjudged that the actions against Rick Perry, Governor of Texas, (“Governor Perry”) and Greg Abbott, Attorney General of Texas (“General Abbott”), are dismissed without prejudice.

III.

It is further ordered and adjudged that, except to the extent the court grants declaratory and injunctive relief in their favor regarding the Texas citizenship requirements, or dismisses their claims against Governor Perry and General Abbott without prejudice, the actions of plaintiffs Siesta Village Market, LLC, Ken Travis, Ken Gallinger, Maureen Gallinger, and Dr. Robert Brockie (“Siesta Village plaintiffs”) are dismissed with prejudice.

It is further ordered and adjudged that, except to the extent the court grants declaratory and injunctive relief in their favor regarding the Texas citizenship requirements, the actions of plaintiffs Wine Country gift Baskets.com, K & L Wine Merchants, Beverages & More, Inc., David L. Tapp, Ronald L. Parrish, and Jeffrey R. Davis (“Wine Country plaintiffs”) are dismissed with prejudice.

IV.

It is further ordered and adjudged that the cross-claims of Intervenor Glazer’s Wholesale Drug Company, Inc. and Republic Beverage Company (“Intervenor”) against Alan Steen are dismissed. This court originally dismissed the cross-claims, and Intervenor cross-appealed. Thereafter, the parties to the cross-claims resolved their dispute, and Intervenor dismissed their cross-appeal accordingly.

V.

It is further ordered and adjudged that the Agreed Temporary Injunction entered on May 22, 2006 in Civil Action No. 4:06-CV-0232-D is hereby dissolved and replaced with the injunctive relief granted in this judgment.

VI.

Each party shall each bear its own taxable costs of court.

Done at Dallas, Texas October 12, 2010.



SIDNEY A. FITZWATER
CHIEF JUDGE