

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CIVIL ACTION NO. 3:11-CV-18-H

MAXWELL'S PIC-PAC, INC., et. al.

PLAINTIFFS

v.

TONY DEHNER, et. al.

DEFENDANTS

**ORDER**

Consistent with the Memorandum Opinion filed in this case and being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Defendants' motion for summary judgment is DENIED.

IT IS FURTHER ORDERED that Ky. Rev. Stat. § 243.230(5) and its accompanying regulation, 804 Ky. Admin. Regs. 4:270 (1982) violate the Equal Protection Clause of the United States Constitution to the extent the Statute prohibits certain grocery stores, gas stations and others, as the Statute defines them, from obtaining a license to sell package liquor and wine.

IT IS FURTHER ORDERED that enforcement of this above order is STAYED until the Court can resolve any other remaining issues. The Court will set a conference to discuss those issues.

This is not a final order.

cc: Counsel of Record