

17-2003

Connecticut Fine Wine and Spirits, LLC v. Seagull

**United States Court of Appeals
FOR THE SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of September, two thousand nineteen.

PRESENT:

ROBERT A. KATZMANN,
Chief Judge,
JOSÉ A. CABRANES,
ROSEMARY S. POOLER,
PETER W. HALL,
DEBRA ANN LIVINGSTON,
DENNY CHIN,
RAYMOND J. LOHIER, JR.,
SUSAN L. CARNEY,
RICHARD J. SULLIVAN,
JOSEPH F. BIANCO,
MICHAEL H. PARK,
Circuit Judges.

CONNECTICUT FINE WINE AND SPIRITS,
LLC, d/b/a, TOTAL WINE & MORE,

Plaintiff-Appellant,

v.

No. 17-2003

COMMISSIONER MICHELLE H. SEAGULL,
DEPARTMENT OF CONSUMER

PROTECTION, JOHN SUCHY, DIRECTOR,
DIVISION OF LIQUOR CONTROL,

Defendants-Appellees,

WINE & SPIRITS WHOLESALERS OF
CONNECTICUT, INC., CONNECTICUT
BEER WHOLESALERS ASSOCIATION, INC.,
CONNECTICUT RESTAURANT
ASSOCIATION, CONNECTICUT PACKAGE
STORES ASSOCIATION, INC., BRESCOME
BARTON, INC.,

Intervenors-Defendants-Appellees.

For Plaintiff-Appellant:

William J. Murphy, John J. Connolly,
Adam B. Abelson, Zuckerman
Spaeder LLP, Baltimore, MD.

James T. Shearin, Edward B. Lefebvre,
Pullman & Comley LLC, Bridgeport,
CT.

For Defendants-Appellees:

Clare E. Kindall, Solicitor General,
Robert J. Deichert, Assistant Attorney
General, *for* William Tong, Attorney
General, Hartford, CT.

For Intervenors-Defendants-
Appellees:

David S. Hardy, Damian K.
Gunningsmith, Carmody Torrance
Sandak & Hennessey LLP, New
Haven, CT.

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Robert M. Langer, Benjamin H.
Diessel, Wiggin and Dana LLP,
Hartford, CT.

Deborah Skakel, Craig M. Flanders,
Blank Rome LLP, New York, NY.

John F. Droney, Jr., Jeffrey J. Mirman,
Hinckley Allen & Snyder, LLP,
Hartford, CT.

Following disposition of this appeal on February 20, 2019, an active judge of the Court requested a poll on whether to rehear the case *en banc*. A poll having been conducted and there being no majority favoring *en banc* review, rehearing *en banc* is hereby **DENIED**.

Richard J. Sullivan, *Circuit Judge*, joined by José A. Cabranes, Debra Ann Livingston, and Michael H. Park, *Circuit Judges*, dissents by opinion from the denial of rehearing *en banc*.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK

A circular seal of the United States Second Circuit Court of Appeals is overlaid on the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".