

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

KAMBIS ANVAR
and MICHELLE DRUM,
Plaintiffs

v.

Case No. 1:19-cv-00523-JJM-LDA

ELIZABETH TANNER, Director of Dept.
of Business Regulation, and
PETER NERONHA, Attorney General
of Rhode Island,
Defendants.

RHODE ISLAND RESPONSIBLE BEVERAGE
ALCOHOL COALITION, Inc.,
Intervening defendant.

**PLAINTIFFS' MOTION FOR SUMMARY JUDGEMENT
Oral Argument Requested**

I. Motion for Summary Judgment

Plaintiffs move for summary judgment pursuant to FED. R. CIV. P. 56 on their complaint that Rhode Island's laws prohibiting a wine retailer located outside the state from delivering or shipping wine to a consumer in Rhode Island, and restricting a consumer from transporting into Rhode Island wine purchased outside the state, are unconstitutional. Plaintiffs contend that there are no material facts in dispute and accompany this motion with a statement of undisputed facts. Those facts establish that Rhode Island's restrictions on home deliveries, direct shipping, and personal transportation of wine purchased from out-of-state retailers discriminates against interstate commerce in violation of the Commerce Clause and are not saved by the Twenty-first Amendment, so the plaintiffs are entitled to judgment as a matter of law as set out in the accompanying memorandum.

II. Oral argument requested

Because the constitutionality of state laws are at issue, the plaintiffs request oral argument and believe it will take 20 minutes per side.

III. Relief sought

Plaintiffs request a declaratory judgment that Rhode Island's restrictions on home deliveries, direct shipping, and personal transportation of wine purchased from out-of-state retailers are unconstitutional and an injunction prohibiting the defendants from enforcing them.

Plaintiffs do not seek an injunction against collecting taxes on such deliveries, nor against future legislative action creating a home delivery permit.

Respectfully submitted,
Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, I filed the foregoing with the court using the CM/ECF system which will serve all counsel of record.

s/ James A. Tanford
James A. Tanford