



UNITED STATES DISTRICT COURT
District of Rhode Island

CLERK'S CERTIFICATE AND APPELLATE COVER SHEET
ABBREVIATED ELECTRONIC RECORD

Case Information

Case Caption: **Anvar** vs. **Dwyer et al**
 District Court Number: **19-cv-523** Presiding Judge: **Judge McConnell**
 Notice of Appeal filed by: **Plaintiff** Notice of Appeal document number: **94**
 Appeal from: **JUDGMENT ECF 93**
 Other information:
 Fee status: **(Select Fee Status)** Pro se case: Yes No
 Emergency or requires expedition: **No** If yes, reason:

Record Information

Motions Pending Yes No
 If yes, document #

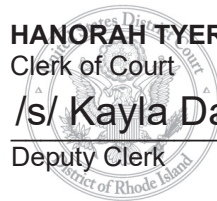
Other record information:
 Related case(s) on appeal:

Certification

I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:

Date: **10/31/2022**

HANORAH TYER-WITEK
 Clerk of Court
 /s/ **Kayla DaCruz**
 Deputy Clerk



APPEAL

**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:19-cv-00523-JJM-LDA**

Anvar et al v. Dwyer et al
Assigned to: District Judge John J. McConnell, Jr.
Referred to: Magistrate Judge Lincoln D. Almond
Cause: 42:1983 Civil Rights Act

Date Filed: 10/03/2019
Date Terminated: 09/29/2022
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Kambis Anvar

represented by **James A. Tanford**
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Plaintiff

Vincent Colapietro
TERMINATED: 01/21/2021

represented by **James A. Tanford**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Beutel
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LEAD ATTORNEY
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Robert D. Epstein
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Scott J. Summer
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Plaintiff

Michelle Drum

represented by **James A. Tanford**
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LEAD ATTORNEY
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Joseph Beutel
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Robert D. Epstein
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Scott J. Summer
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Plaintiff

Michael Osean
TERMINATED: 12/09/2019

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Joseph Beutel

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Robert D. Epstein
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Scott J. Summer
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ATTORNEY TO BE NOTICED

V.

Defendant

Elizabeth Tanner
in her official capacity as Director of RI
Department of Business Regulation
TERMINATED: 09/27/2022

represented by **Andrea M. Shea**
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ATTORNEY TO BE NOTICED

Defendant

Peter Neronha
*in his official capacity as Attorney
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represented by **Andrea M. Shea**
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ATTORNEY TO BE NOTICED

Lauren E. Hill
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ATTORNEY TO BE NOTICED

Marc DeSisto
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ATTORNEY TO BE NOTICED

Defendant

Elizabeth K. Dwyer
*in her official capacity as Director of RI
Department of Business Regulation*

represented by **Andrea M. Shea**
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LEAD ATTORNEY
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Lauren E. Hill
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ATTORNEY TO BE NOTICED

Marc DeSisto
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V.

Intervenor Defendant

**Rhode Island Responsible Beverage
Alcohol Coalition, Inc.**

represented by **Gerald J. Petros**
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Interested Party

**Rhode Island Liquor Stores
 Association**

represented by **Rebecca Tedford Partington**
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 ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
10/03/2019	<u>1</u>		COMPLAINT (filing fee paid \$ 400.00, receipt number 0103-1423137), filed by Michael Osean, Kambis Anvar, Michelle Drum, Vincent Colapietro. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons RIDBR, # <u>3</u> Summons RIAG)(Summer, Scott) (Entered: 10/03/2019)
10/04/2019			Case assigned to District Judge John J. McConnell, Jr. and Magistrate Judge Lincoln D. Almond. (Potter, Carrie) (Entered: 10/04/2019)
10/04/2019	<u>2</u>		CASE OPENING NOTICE ISSUED (Potter, Carrie) (Entered: 10/04/2019)
10/04/2019	<u>3</u>		Summons Issued as to All Defendants. (Attachments: # <u>1</u> Summons)(Potter, Carrie) (Entered: 10/04/2019)
10/20/2019	<u>4</u>		AFFIDAVIT of Service, filed by Michael Osean, Kambis Anvar, Michelle Drum, Vincent Colapietro for Summons <i>Constable Courtney A. Clark</i> Peter Neronha served on 10/8/2019, answer due 10/29/2019. (Summer, Scott) (Entered: 10/20/2019)
10/20/2019	<u>5</u>		AFFIDAVIT of Service, filed by Michael Osean, Kambis Anvar, Michelle Drum, Vincent Colapietro for Summons <i>Constable Courtney A. Clark</i> Elizabeth Tanner served on 10/10/2019, answer due 10/31/2019. (Summer, Scott) (Entered: 10/20/2019)
10/20/2019	<u>6</u>		AFFIDAVIT of Service, filed by Michael Osean, Kambis Anvar, Michelle Drum, Vincent Colapietro for Summons <i>Constable Courtney A. Clark</i> Peter Neronha served on 10/10/2019, answer due 10/31/2019. (Summer, Scott) (Entered: 10/20/2019)

10/22/2019			CORRECTIVE DOCKET ENTRY Regarding: <u>4</u> Affidavit of Service. Please disregard, filed with incorrect date of service. See <u>6</u> for correct Affidavit of Service. (Smith, Rana) (Entered: 10/22/2019)
10/28/2019	<u>7</u>		NOTICE of Appearance by Andrea M. Shea on behalf of Peter Neronha, Elizabeth Tanner (Shea, Andrea) (Entered: 10/28/2019)
10/28/2019	<u>8</u>		NOTICE of Appearance by Lauren E. Hill on behalf of Peter Neronha, Elizabeth Tanner (Hill, Lauren) (Entered: 10/28/2019)
10/28/2019	<u>9</u>		Assented MOTION for an Extension of Time to File Answer filed by Peter Neronha, Elizabeth Tanner. Responses due by 11/12/2019. (Shea, Andrea) (Entered: 10/28/2019)
10/29/2019			TEXT ORDER granting <u>9</u> Motion for Extension of Time to Answer; Reset Deadlines: Peter Neronha answer due 12/2/2019; Elizabeth Tanner answer due 12/2/2019 – So Ordered by District Judge John J. McConnell, Jr. on 10/29/2019 (Barletta, Barbara) (Entered: 10/29/2019)
11/01/2019	<u>10</u>		MOTION for Robert D. Epstein to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1438419) filed by All Plaintiffs. (Summer, Scott) (Entered: 11/01/2019)
11/01/2019	<u>11</u>		MOTION for Joseph Beutel to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1438420) filed by All Plaintiffs. (Summer, Scott) (Entered: 11/01/2019)
11/01/2019	<u>12</u>		MOTION for James A. Tanford to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1438421) filed by All Plaintiffs. (Summer, Scott) (Entered: 11/01/2019)
11/04/2019			TEXT ORDER granting <u>10</u> Motion to Appear Pro Hac Vice of James A. Tanford, Robert D. Epstein, Joseph Beutel ; granting <u>11</u> Motion to Appear Pro Hac Vice of James A. Tanford, Robert D. Epstein, Joseph Beutel ; granting <u>12</u> Motion to Appear Pro Hac Vice of James A. Tanford, Robert D. Epstein, Joseph Beutel. So Ordered by District Judge John J. McConnell, Jr. on 11/4/2019. (Farrell Pletcher, Paula) (Entered: 11/04/2019)
11/29/2019	<u>13</u>		Assented MOTION for an Extension of Time filed by Peter Neronha, Elizabeth Tanner. Responses due by 12/13/2019. (Hill, Lauren) (Entered: 11/29/2019)
12/02/2019			TEXT ORDER granting <u>13</u> Motion for Extension of Time; Reset Deadlines: Peter Neronha answer due 12/16/2019; Elizabeth Tanner answer due 12/16/2019 – So Ordered by Chief Judge John J. McConnell, Jr. on 12/2/2019 (Barletta, Barbara) (Entered: 12/02/2019)
12/06/2019	<u>14</u>		Joint STIPULATION <i>dismissing claims by one pltf but not all</i> filed by Michael Osean. (Summer, Scott) (Entered: 12/06/2019)
12/09/2019			TEXT ORDER entering <u>14</u> Stipulation of Dismissal with prejudice by Michael Osean as to all defendants – So Ordered by Chief Judge John J. McConnell, Jr. on 12/9/2019. (Barletta, Barbara) (Entered: 12/09/2019)
12/13/2019	<u>15</u>		ANSWER to Complaint by Peter Neronha, Elizabeth Tanner.(Shea, Andrea) (Entered: 12/13/2019)
12/17/2019	<u>16</u>		

		NOTICE of Hearing: Telephonic Rule 16 Conference set for Monday, 1/13/2020 at 09:30 AM before Chief Judge John J. McConnell, Jr.. The Court will initiate the call. Counsel shall provide the Clerk with contact information if it differs from the docket sheet. (Barletta, Barbara) (Entered: 12/17/2019)
01/03/2020	<u>17</u>	<i>Amended</i> ANSWER to Complaint by Peter Neronha, Elizabeth Tanner.(Shea, Andrea) (Entered: 01/03/2020)
01/07/2020		REVISED NOTICE of Hearing: Telephonic Rule 16 Conference set for Monday, 1/13/2020 at 09:15 AM before Chief Judge John J. McConnell, Jr.. The Court will initiate the call. Counsel shall provide the Clerk with contact information if it differs from the docket sheet. PLEASE NOTE TIME CHANGE (Barletta, Barbara) (Entered: 01/07/2020)
01/09/2020	<u>18</u>	RULE 16 STATEMENT by Peter Neronha, Elizabeth Tanner. (Shea, Andrea) (Entered: 01/09/2020)
01/10/2020	<u>19</u>	RULE 16 STATEMENT by All Plaintiffs. (Summer, Scott) (Entered: 01/10/2020)
01/10/2020	<u>20</u>	NOTICE of Appearance by Gerald J. Petros on behalf of Rhode Island Responsible Beverage Alcohol Coalition, Inc. (Petros, Gerald) (Entered: 01/10/2020)
01/10/2020	<u>21</u>	NOTICE of Appearance by Ryan M. Gainor on behalf of Rhode Island Responsible Beverage Alcohol Coalition, Inc. (Gainor, Ryan) (Entered: 01/10/2020)
01/10/2020	<u>22</u>	MOTION to Intervene filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. Responses due by 1/24/2020. (Attachments: # <u>1</u> Exhibit A)(Gainor, Ryan) (Entered: 01/10/2020)
01/13/2020		TEXT ORDER granting <u>22</u> Motion to Intervene by Rhode Island Responsible Beverage Alcohol Coalition, Inc.– So Ordered by Chief Judge John J. McConnell, Jr. on 1/13/2020. (Barletta, Barbara) (Entered: 01/13/2020)
01/13/2020		Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Telephonic Rule 16 Conference held on 1/13/2020; James A. Tanford, Joseph Beutel, Robert D. Epstein, Scott J. Summer, Andrea M. Shea, Lauren E. Hill, Ryan M. Gainor and Gerald J. Petros participated (Barletta, Barbara) (Entered: 01/13/2020)
01/13/2020	<u>23</u>	PRETRIAL SCHEDULING ORDER: Factual Discovery to close by 5/13/2020; Plaintiffs' Expert Disclosures shall be made by 6/12/2020; Defendants' Expert Disclosures shall be made by 7/13/2020; Expert Discovery to close by 8/13/2020 and Dispositive Motions shall be filed by 9/14/2020 – So Ordered by Chief Judge John J. McConnell, Jr. on 1/13/2020. (Barletta, Barbara) (Entered: 01/13/2020)
01/15/2020	<u>24</u>	MOTION for Deborah A. Skakel to Appear Pro Hac Vice <i>as Counsel for Intervenor–Defendant Rhode Island Responsible Beverage Alcohol Coalition, Inc.</i> (filing fee paid \$ 100.00, receipt number 0103–1464928) filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 01/15/2020)
01/15/2020		

		TEXT ORDER granting <u>24</u> Motion to Appear Pro Hac Vice of Deborah A. Skakel. So Ordered by Chief Judge John J. McConnell, Jr. on 1/15/2020. (Potter, Carrie) (Entered: 01/15/2020)
03/09/2020	<u>25</u>	Assented MOTION for an Extension of Time to Complete Discovery filed by Peter Neronha, Elizabeth Tanner. Responses due by 3/23/2020. (Shea, Andrea) (Entered: 03/09/2020)
03/10/2020		TEXT ORDER granting <u>25</u> Motion for Extension of Time to 4/13/20 for state defendants to respond to discovery requests – So Ordered by Chief Judge John J. McConnell, Jr. on 3/10/2020. (Barletta, Barbara) (Entered: 03/10/2020)
03/31/2020	<u>26</u>	Assented MOTION for an Extension of Time to Amend / <i>Modify Scheduling Order</i> filed by All Defendants. Responses due by 4/14/2020. (Shea, Andrea) (Entered: 03/31/2020)
03/31/2020		TEXT ORDER granting <u>26</u> Motion for Extension of Time to Amend; Reset Scheduling Order Deadlines: Factual Discovery to close by 7/13/2020; Plaintiffs' Expert Disclosures shall be made by 8/11/2020; Defendants' Expert Disclosures shall be made by 9/11/2020; Expert Discovery to close by 10/12/2020 and Dispositive Motions shall be filed by 11/13/2020 – So Ordered by Chief Judge John J. McConnell, Jr. on 3/31/2020. (Barletta, Barbara) (Entered: 03/31/2020)
05/05/2020	<u>27</u>	Assented MOTION for an Extension of Time to Complete Discovery filed by All Defendants. Responses due by 5/19/2020. (Shea, Andrea) (Entered: 05/05/2020)
05/06/2020		TEXT ORDER granting <u>27</u> Motion for Extension of Time to 6/12/20 for state defendants to respond to discovery requests – So Ordered by Chief Judge John J. McConnell, Jr. on 5/6/2020. (Barletta, Barbara) (Entered: 05/06/2020)
07/07/2020	<u>28</u>	Assented MOTION to Amend/Correct <i>Scheduling Order</i> filed by Peter Neronha, Elizabeth Tanner. Responses due by 7/21/2020. (Shea, Andrea) (Entered: 07/07/2020)
07/07/2020		TEXT ORDER granting <u>28</u> Motion to Amend; Reset Scheduling Order Deadlines: Factual Discovery to close by 8/27/2020; Plaintiffs' Expert Disclosures shall be made by 9/25/2020; Defendants' Expert Disclosures shall be made by 10/26/2020; Expert Discovery to close by 11/25/2020 and Dispositive Motions shall be filed by 12/28/2020 – So Ordered by Chief Judge John J. McConnell, Jr. on 7/7/2020. (Barletta, Barbara) (Entered: 07/07/2020)
08/20/2020	<u>29</u>	Assented MOTION to Amend/Correct / <i>Modify Scheduling Order</i> filed by Peter Neronha, Elizabeth Tanner. Responses due by 9/3/2020. (Shea, Andrea) (Entered: 08/20/2020)
08/21/2020		TEXT ORDER granting <u>29</u> Motion to Amend Scheduling Order; Reset Scheduling Order Deadlines: Factual Discovery to close by 10/27/2020; Plaintiffs' Expert Disclosures shall be made by 11/27/2020; Defendants' Expert Disclosures shall be made by 12/28/2020; Expert Discovery to close by 1/27/2021 and Dispositive Motions shall be filed by 3/1/2021 – So Ordered by Chief Judge John J. McConnell, Jr. on 8/21/2020. (Barletta, Barbara) (Entered: 08/21/2020)
10/26/2020	<u>30</u>	

		Assented MOTION to Amend/Correct to <i>Modify Scheduling Order</i> filed by Peter Neronha, Elizabeth Tanner. Responses due by 11/9/2020. (Shea, Andrea) (Entered: 10/26/2020)
10/27/2020		TEXT ORDER granting <u>30</u> Motion to Amend/Correct; Reset Scheduling Order Deadlines: Factual Discovery to close by 11/25/2020; Plaintiffs' Expert Disclosures shall be made by 12/24/2020; Defendants' Expert Disclosures shall be made by 1/27/2021; Expert Discovery to close by 2/24/2021 and Dispositive Motions shall be filed by 3/29/2021 – So Ordered by Chief Judge John J. McConnell, Jr. on 10/27/2020. (Barletta, Barbara) (Entered: 10/27/2020)
11/25/2020	<u>31</u>	MOTION for an Extension of Time to Amend to <i>Modify Scheduling Order</i> filed by All Defendants. Responses due by 12/9/2020. (Shea, Andrea) (Entered: 11/25/2020)
11/25/2020	<u>32</u>	Amended MOTION to Amend/Correct to <i>Modify Scheduling Order</i> filed by All Defendants. Responses due by 12/9/2020. (Shea, Andrea) (Entered: 11/25/2020)
11/30/2020		TEXT ORDER granting <u>32</u> Motion to Amend/Correct; Reset Scheduling Order Deadlines: Factual Discovery to close by 1/11/2021; Plaintiffs' Expert Disclosures shall be made by 2/8/2021; Defendant's Expert Disclosures shall be made by 3/15/2021; Expert Discovery to close by 4/12/2021 and Dispositive Motions shall be filed by 5/13/2021 – So Ordered by Chief Judge John J. McConnell, Jr. on 11/30/2020. (Barletta, Barbara) (Entered: 11/30/2020)
01/13/2021	<u>33</u>	Joint MOTION for an Extension of Time to Extend Scheduling Order set Forth in the Court's Text Order of November 30, 2020 filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. Responses due by 1/27/2021. (Gainor, Ryan) (Entered: 01/13/2021)
01/14/2021		TEXT ORDER granting <u>33</u> Motion for Extension of Time; Reset Scheduling Order Deadlines: Factual Discovery to close by 1/22/2021; Plaintiffs' Expert Disclosures shall be made by 2/19/2021; Defendants' Expert Disclosures shall be made by 3/26/2021; Expert Discovery to close by 4/23/2021 and Dispositive Motions shall be filed by 5/25/2021; NO FURTHER EXTENSIONS WILL BE GRANTED – So Ordered by Chief Judge John J. McConnell, Jr. on 1/14/2021. (Barletta, Barbara) (Entered: 01/14/2021)
01/20/2021	<u>34</u>	Joint STIPULATION <i>dismissing claims by one pltf but not all</i> filed by Vincent Colapietro. (Beutel, Joseph) (Entered: 01/20/2021)
01/21/2021		TEXT ORDER entering <u>34</u> Stipulation of Dismissal with prejudice of all claims filed by Vincent Colapietro – So Ordered by Chief Judge John J. McConnell, Jr. on 1/21/2021. (Barletta, Barbara) (Entered: 01/21/2021)
02/24/2021	<u>35</u>	Joint MOTION to Stay <i>Scheduling Order</i> filed by All Defendants. Responses due by 3/10/2021. (Shea, Andrea) (Entered: 02/24/2021)
02/25/2021	<u>36</u>	RESPONSE In Opposition to <u>35</u> Joint MOTION to Stay <i>Scheduling Order</i> filed by Kambis Anvar, Michelle Drum. Replies due by 3/4/2021. (Tanford, James) (Entered: 02/25/2021)
03/04/2021	<u>37</u>	REPLY to Response re <u>36</u> Response to Motion [<i>Joint</i>] to Stay <i>Scheduling Order Pending Motion to Dismiss for Lack of Subject Matter Jurisdiction</i> filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan)

		(Entered: 03/04/2021)
03/08/2021		TEXT ORDER: Defendants' Joint Motion to Stay Scheduling Order <u>35</u> is GRANTED. Queuing up the issue of subject matter jurisdiction as soon as it is raised is the most efficient way to proceed. The parties will confer and submit an agreed-to revised scheduling order including briefing on the issue of standing..-So Ordered by Chief Judge John J. McConnell, Jr. on 3/8/2021. (Barletta, Barbara) (Entered: 03/08/2021)
03/16/2021	<u>38</u>	Joint STIPULATION re Order on Motion to Stay, [<i>Joint Proposed Amended Case Scheduling Order</i>] filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 03/16/2021)
03/17/2021		TEXT ORDER entering <u>38</u> Stipulation regarding scheduling order – So Ordered by Chief Judge John J. McConnell, Jr. on 3/17/2021. (Barletta, Barbara) (Entered: 03/17/2021)
03/17/2021	<u>39</u>	AMENDED SCHEDULING ORDER: Defendants' Motion to Dismiss shall be filed by 4/5/21; Plaintiff's objection shall be filed by 5/3/21 and Defendants' reply shall be filed by 5/17/21 – So Ordered by Chief Judge John J. McConnell, Jr. on 3/17/2021. (Barletta, Barbara) (Entered: 03/17/2021)
04/05/2021	<u>40</u>	Joint MOTION to Dismiss filed by Peter Neronha, Rhode Island Responsible Beverage Alcohol Coalition, Inc., Elizabeth Tanner. Responses due by 4/19/2021. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Shea, Andrea) (Entered: 04/05/2021)
04/19/2021	<u>41</u>	RESPONSE In Opposition to <u>40</u> Joint MOTION to Dismiss filed by Kambis Anvar, Michelle Drum. Replies due by 4/26/2021. (Attachments: # <u>1</u> Supporting Memorandum Statement of Undisputed Facts, # <u>2</u> Exhibit 1– Anvar Declaration, # <u>3</u> Exhibit 2– Drum Declaration, # <u>4</u> Exhibit 3– Summer Affidavit, # <u>5</u> Exhibit 4– Extract from Wine Spectator, # <u>6</u> Exhibit 5– Expert Report of Tom Wark, # <u>7</u> Exhibit 6– Tanford Declaration, # <u>8</u> Exhibit 7– Approved Wine List, # <u>9</u> Exhibit 8– Answers to Interrogatories, # <u>10</u> Exhibit 9– Supplemental Answers to Interrogatories)(Tanford, James) (Entered: 04/19/2021)
05/17/2021	<u>42</u>	REPLY to Response re <u>41</u> Response to Motion,, <i>to Dismiss for Lack of Standing</i> filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc., Elizabeth Tanner. (Gainor, Ryan) (Entered: 05/17/2021)
05/17/2021	<u>43</u>	MOTION to Strike <i>Declarations Filed In Opposition to Motion to Dismiss</i> filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc., Elizabeth Tanner. Responses due by 6/1/2021. (Gainor, Ryan) (Entered: 05/17/2021)
06/01/2021	<u>44</u>	RESPONSE In Opposition to <u>43</u> MOTION to Strike <i>Declarations Filed In Opposition to Motion to Dismiss</i> filed by Kambis Anvar, Michelle Drum. Replies due by 6/8/2021. (Tanford, James) (Entered: 06/01/2021)
06/07/2021		NOTICE of Hearing on Motion <u>40</u> Joint MOTION to Dismiss , <u>43</u> MOTION to Strike <i>Declarations Filed In Opposition to Motion to Dismiss</i> :ZOOM Motion Hearing set for Tuesday, 6/29/2021 at 11:00 AM before Chief Judge John J. McConnell, Jr.(Zoom Meeting ID: 1615976690, Passcode: 770747) (Barletta, Barbara) (Entered: 06/07/2021)
06/08/2021	<u>45</u>	

		REPLY MEMORANDUM re <u>43</u> MOTION to Strike <i>Declarations Filed In Opposition to Motion to Dismiss</i> . (Shea, Andrea) (Entered: 06/08/2021)
06/29/2021		Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Motion Hearing held on 6/29/2021 re <u>40</u> Joint MOTION to Dismiss filed by Peter Neronha, Elizabeth Tanner, Rhode Island Responsible Beverage Alcohol Coalition, Inc., <u>43</u> MOTION to Strike <i>Declarations Filed In Opposition to Motion to Dismiss</i> filed by Elizabeth Tanner, Rhode Island Responsible Beverage Alcohol Coalition, Inc. James Tanford for Plaintiff. Andrea Shea & Ryan Gainor for Defendant. Plaintiff & Defendant present arguments to the Court. Court to take under advisement. Order to issue. Court adjourned. (Court Reporter Karen Wischnowsky in Courtroom Zoom Video at 11:10 am.) (McGuire, Vickie) (Entered: 06/29/2021)
07/16/2021	<u>46</u>	MEMORANDUM AND ORDER denying <u>40</u> Motion to Dismiss; denying as moot <u>43</u> Motion to Strike – So Ordered by Chief Judge John J. McConnell, Jr. on 7/16/2021. (Barletta, Barbara) (Entered: 07/16/2021)
07/16/2021		TEXT SCHEDULING ORDER: Factual Discovery to close by 1/18/2022; Plaintiffs' Expert Disclosures shall be made by 2/18/2022; Defendants' Expert Disclosures shall be made by 3/21/2022; Expert Discovery to close by 4/21/2022 and Dispositive Motions shall be filed by 5/20/2022 – So Ordered by Chief Judge John J. McConnell, Jr. on 7/16/2021. (Barletta, Barbara) (Entered: 07/16/2021)
08/03/2021	<u>47</u>	TRANSCRIPT ORDER for proceedings held on June 26, 2021 before Judge McConnell. Expedited Transcript selected. Transcript to be delivered within 7 calendar days.. (Gainor, Ryan) (Entered: 08/03/2021)
08/03/2021	<u>48</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>47</u> Transcript Order. Court Reporter/Transcriber: Karen Wischnowsky. (Dias, Jennifer) (Entered: 08/03/2021)
08/19/2021	<u>49</u>	TRANSCRIPT of Hearing on Motion to Dismiss held on June 29, 2021, before Judge John J. McConnell, Jr. Court Reporter Karen Wischnowsky, Telephone number (401) 752–7045. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at www.rid.uscourts.gov and select Transcripts under the Case Information menu option. Redaction Request due 9/9/2021. Redacted Transcript Deadline set for 9/20/2021. Release of Transcript Restriction set for 11/17/2021. (Wischnowsky, Karen) (Entered: 08/19/2021)
08/31/2021	<u>50</u>	TRANSCRIPT ORDER for proceedings held on 6–29–21 before Judge McConnell. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days.. (Shea, Andrea) (Entered: 08/31/2021)
09/03/2021	<u>51</u>	MOTION for Leave to File Document <i>Amended Complaint</i> filed by Kambis Anvar, Michelle Drum. Responses due by 9/17/2021. (Attachments: # <u>1</u> Exhibit A–Proposed Amended Complaint)(Beutel, Joseph) (Entered: 09/03/2021)
09/03/2021	<u>52</u>	

		STIPULATION re Pretrial Scheduling Order, [Amend] filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 09/03/2021)
09/03/2021	<u>53</u>	MOTION for Leave to File Document <i>First Amended Complaint</i> filed by Kambis Anvar, Michelle Drum. Responses due by 9/17/2021. (Attachments: # <u>1</u> Exhibit A—Corrected Proposed First Amended Complaint)(Beutel, Joseph) (Entered: 09/03/2021)
09/07/2021		TEXT ORDER denying as moot <u>51</u> Motion for Leave to File Amended Complaint in light of filing of ECF No. 53. So Ordered by Chief Judge John J. McConnell, Jr. on 9/7/2021. (Jackson, Ryan) (Entered: 09/07/2021)
09/07/2021		TEXT ORDER entering <u>52</u> Stipulation to Amend Pretrial Scheduling Order filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. So Ordered by Chief Judge John J. McConnell, Jr. on 9/7/2021. (Jackson, Ryan) (Entered: 09/07/2021)
09/07/2021		Reset Deadlines: Factual Discovery to be completed by 9/3/2021; Plaintiff Expert Disclosures shall be made by 10/1/2021; Defendant Expert Disclosures shall be made by 10/29/2021; All Expert Discovery to be completed by 12/3/2021; Dispositive Motions to be filed by 1/14/2022 (Jackson, Ryan) (Entered: 09/07/2021)
09/17/2021	<u>54</u>	RESPONSE In Opposition to <u>53</u> MOTION for Leave to File Document <i>First Amended Complaint</i> filed by Peter Neronha, Rhode Island Responsible Beverage Alcohol Coalition, Inc., Elizabeth Tanner. Replies due by 9/24/2021. (Shea, Andrea) (Entered: 09/17/2021)
09/24/2021	<u>55</u>	REPLY to Response re <u>54</u> Response to Motion, filed by Kambis Anvar, Michelle Drum. (Beutel, Joseph) (Entered: 09/24/2021)
09/28/2021	<u>56</u>	Intervenor Defendant's ANSWER to Complaint (entered pursuant to Text Order Granting Motion to Intervene entered by this Court on 1/13/2020) by Rhode Island Responsible Beverage Alcohol Coalition, Inc.(Jackson, Ryan) (Entered: 09/28/2021)
10/05/2021		TEXT ORDER denying <u>53</u> Motion for Leave to File Amended Complaint: Plaintiffs' Motion to Amend the Complaint to add new plaintiffs is DENIED. Plaintiffs' have not met their burden in demonstrating that an amendment after discovery has closed would not constitute undue delay. Even if a separate complaint were filed, the Court would not consolidate it with this action. So Ordered by Chief Judge John J. McConnell, Jr. on 10/5/2021. (Jackson, Ryan) (Entered: 10/05/2021)
11/23/2021	<u>57</u>	STIPULATION TO ESTABLISH BRIEFING SCHEDULE filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 11/23/2021)
11/24/2021		TEXT ORDER Entering <u>57</u> Stipulation and Setting Briefing Schedule: Plaintiff's Motion for Summary Judgment to be filed by 1/14/2022; Objection(s) and Cross-Motion(s) for Summary Judgment to be filed by 2/11/22; Plaintiff's Objection to Cross-Motion(s) and Reply to be filed by 3/11/22; Reply on Cross-Motion(s) to be filed by 4/8/22. So Ordered by Chief Judge John J. McConnell, Jr. on 11/24/2021. (Jackson, Ryan) (Entered: 11/24/2021)

01/14/2022	<u>58</u>	MOTION for Summary Judgment filed by Kambis Anvar, Michelle Drum. Responses due by 1/28/2022. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Exhibit Certification of Exhibits, # <u>3</u> Exhibit 1– Anvar Decl., # <u>4</u> Exhibit 2– Drum Decl, # <u>5</u> Exhibit 3– Summer Decl., # <u>6</u> Exhibit 4– WS Top 100, # <u>7</u> Exhibit 5– Wark Expert Report, # <u>8</u> Exhibit 6– Tanford Decl., # <u>9</u> Exhibit 7– RI wine list pt 1, # <u>10</u> Exhibit 7– RI wine list pt 2, # <u>11</u> Exhibit 8– Interrogs 23–24, # <u>12</u> Exhibit 9– Interrogs 6–12, # <u>13</u> Exhibit 10– Arger Decl., # <u>14</u> Exhibit 11– Gralla Decl, # <u>15</u> Exhibit 12– Letters from state officials, # <u>16</u> Exhibit 13– Maryland study, # <u>17</u> Exhibit 14– Oregon Guide, # <u>18</u> Exhibit 15– FTC Report, # <u>19</u> Exhibit 16– Traffic safety data, # <u>20</u> Exhibit 17– Youth sources, # <u>21</u> Exhibit 18– FedEx rates, # <u>22</u> Exhibit 19– K&L policy, # <u>23</u> Exhibit 20– Barham Decl., # <u>24</u> Exhibit 21– Tanford Decl., # <u>25</u> Exhibit 22– Seaver wines, # <u>26</u> Exhibit 23– Bledsoe wines, # <u>27</u> Exhibit 24– NPR wine club, # <u>28</u> Exhibit 25– WS Zinfandels, # <u>29</u> Exhibit 26– WS South African wine, # <u>30</u> Exhibit 27– Toast wine sale, # <u>31</u> Exhibit 28– WSJ wine club, # <u>32</u> Exhibit 29– Martha Stewart wine club, # <u>33</u> Exhibit 30– Hickory Farms policy, # <u>34</u> Exhibit 31– Oakville policy, # <u>35</u> Exhibit 32– States allowing shipping, # <u>36</u> Exhibit 33– Per capita consumption data, # <u>37</u> Exhibit 34– Interrogs., # <u>38</u> Exhibit 35– Def Admissions, # <u>39</u> Exhibit 36– Model Bill)(Tanford, James) (Entered: 01/14/2022)
01/14/2022	<u>59</u>	STATEMENT OF UNDISPUTED FACTS by Kambis Anvar, Michelle Drum re <u>58</u> MOTION for Summary Judgment . (Tanford, James) (Entered: 01/14/2022)
01/17/2022	<u>60</u>	NOTICE by Kambis Anvar, Michelle Drum of <i>Error in Exhibit Submission</i> (Tanford, James) (Entered: 01/17/2022)
01/24/2022	<u>61</u>	MOTION for Leave to File Amicus Brief <i>in Support of Defendants</i> filed by All Defendants. Responses due by 2/7/2022. (DeSisto, Marc) (Entered: 01/24/2022)
01/25/2022	<u>62</u>	RESPONSE In Opposition to <u>61</u> MOTION for Leave to File Amicus Brief <i>in Support of Defendants</i> filed by All Plaintiffs. Replies due by 2/1/2022. (Tanford, James) (Entered: 01/25/2022)
02/02/2022		TEXT ORDER granting <u>61</u> Motion for Leave to File Amicus Brief. So Ordered by Chief Judge John J. McConnell, Jr. on 2/2/2022. (Jackson, Ryan) (Entered: 02/02/2022)
02/07/2022	<u>63</u>	MOTION to Amend/Correct filed by Peter Neronha, Elizabeth Tanner. Responses due by 2/22/2022. (Shea, Andrea) (Entered: 02/07/2022)
02/08/2022		TEXT ORDER granting <u>63</u> Motion to Amend Briefing Scheduled as follows: Defendants and Intervenor–Defendants shall file their respective opposition to Plaintiffs' MSJ and cross–MSJ on or before 3/4/22; Plaintiffs shall file their opposition to Defendants' and Intervenor–Defendant's cross motions on or before 4/1/22; and, Defendants and Intervenor–Defendant shall file their respective reply to their cross–motions on or before 4/29/22. So Ordered by Chief Judge John J. McConnell, Jr. on 2/8/2022. (Jackson, Ryan) (Entered: 02/08/2022)
03/04/2022	<u>64</u>	MOTION for Summary Judgment filed by Peter Neronha, Elizabeth Tanner. Responses due by 3/18/2022. (Attachments: # <u>1</u> Supporting Memorandum)(Shea, Andrea) (Entered: 03/04/2022)

03/04/2022	<u>65</u>	STATEMENT OF UNDISPUTED FACTS by Peter Neronha, Elizabeth Tanner re <u>64</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E, # <u>7</u> Exhibit Exhibit F, # <u>8</u> Exhibit Exhibit G, # <u>9</u> Exhibit Exhibit H, # <u>10</u> Exhibit Exhibit I, # <u>11</u> Exhibit Exhibit J, # <u>12</u> Exhibit Exhibit K, # <u>13</u> Exhibit Exhibit L, # <u>14</u> Exhibit Exhibit M, # <u>15</u> Exhibit Exhibit N, # <u>16</u> Exhibit Exhibit O, # <u>17</u> Exhibit Exhibit P, # <u>18</u> Exhibit Exhibit Q, # <u>19</u> Exhibit Exhibit R, # <u>20</u> Exhibit Exhibit S, # <u>21</u> Exhibit Exhibit T, # <u>22</u> Exhibit Exhibit U, # <u>23</u> Exhibit Exhibit V, # <u>24</u> Exhibit Exhibit W, # <u>25</u> Exhibit Exhibit X, # <u>26</u> Exhibit Exhibit Y, # <u>27</u> Exhibit Exhibit Z, # <u>28</u> Exhibit Exhibit AA, # <u>29</u> Exhibit Exhibit BB, # <u>30</u> Exhibit Exhibit CC, # <u>31</u> Exhibit Exhibit DD, # <u>32</u> Exhibit Exhibit EE, # <u>33</u> Exhibit Exhibit FF, # <u>34</u> Exhibit Exhibit GG)(Shea, Andrea) (Entered: 03/04/2022)
03/04/2022	<u>66</u>	STATEMENT OF DISPUTED FACTS by Peter Neronha, Elizabeth Tanner re <u>59</u> Statement of Undisputed Facts. (Shea, Andrea) (Entered: 03/04/2022)
03/04/2022	<u>67</u>	RESPONSE In Support to <u>64</u> MOTION for Summary Judgment filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. Replies due by 3/11/2022. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Partington, Rebecca) (Entered: 03/04/2022)
03/04/2022	<u>68</u>	NOTICE of Appearance by Rebecca Tedford Partington on behalf of Rhode Island Liquor Stores Association (Partington, Rebecca) (Entered: 03/04/2022)
03/04/2022	<u>69</u>	RESPONSE In Support to <u>64</u> MOTION for Summary Judgment filed by Rhode Island Liquor Stores Association. Replies due by 3/11/2022. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Partington, Rebecca) (Entered: 03/04/2022)
03/04/2022	<u>70</u>	MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment</i> filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. Responses due by 3/18/2022. (Gainor, Ryan) (Entered: 03/04/2022)
03/04/2022	<u>71</u>	MEMORANDUM IN SUPPORT by Rhode Island Responsible Beverage Alcohol Coalition, Inc. in support of <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment</i> . (Gainor, Ryan) (Entered: 03/04/2022)
03/04/2022	<u>72</u>	STATEMENT OF UNDISPUTED FACTS by Rhode Island Responsible Beverage Alcohol Coalition, Inc. re <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment</i> . (Gainor, Ryan) (Entered: 03/04/2022)
03/04/2022	<u>73</u>	RESPONSE IN OPPOSITION by Rhode Island Responsible Beverage Alcohol Coalition, Inc. re <u>59</u> Statement of Undisputed Facts . (Gainor, Ryan) (Entered: 03/04/2022)
03/04/2022	<u>74</u>	DECLARATION re <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment [OF RYAN M. GAINOR]</i> by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12)(Gainor, Ryan) (Entered: 03/04/2022)

03/04/2022	<u>75</u>	DECLARATION re <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment [OF KENNETH MANCINI]</i> by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 03/04/2022)
03/04/2022	<u>76</u>	DECLARATION re <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment [OF MICHAEL J. EPSTEIN]</i> by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 03/04/2022)
04/01/2022	<u>77</u>	RESPONSE IN OPPOSITION by Kambis Anvar, Michelle Drum re <u>73</u> Response in Opposition, <u>66</u> Statement of Disputed Facts <i>Response To Objections to Plaintiffs' Evidence Made in Docs 66 and 73.</i> (Tanford, James) (Entered: 04/01/2022)
04/01/2022	<u>78</u>	STATEMENT OF DISPUTED FACTS <i>and Objections to Defendants Evidence</i> by Kambis Anvar, Michelle Drum re <u>65</u> Statement of Undisputed Facts,,,, (Tanford, James) (Entered: 04/01/2022)
04/01/2022	<u>79</u>	STATEMENT OF DISPUTED FACTS <i>and Objections to Intervenor's Evidence</i> by Kambis Anvar, Michelle Drum re <u>72</u> Statement of Undisputed Facts. (Tanford, James) (Entered: 04/01/2022)
04/01/2022	<u>80</u>	RESPONSE In Opposition to <u>64</u> MOTION for Summary Judgment , <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment and REPLY In Support of 58 Plaintiffs' Motion for Summary Judgment</i> , filed by Kambis Anvar, Michelle Drum. Replies due by 4/8/2022. (Attachments: # <u>1</u> Affidavit Tanford Declaration, # <u>2</u> Exhibit 37 – Deterrent Effect, # <u>3</u> Exhibit 38 – Plaintiffs Disclosures, # <u>4</u> Exhibit 39 – Numbers of licenses issued)(Tanford, James) (Entered: 04/01/2022)
04/29/2022	<u>81</u>	REPLY to Response re <u>80</u> Response to Motion,, filed by Peter Neronha, Elizabeth Tanner. (Shea, Andrea) (Entered: 04/29/2022)
04/29/2022	<u>82</u>	REPLY to Response re <u>80</u> Response to Motion,, filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. (Gainor, Ryan) (Entered: 04/29/2022)
05/03/2022		NOTICE of Hearing on <u>64</u> MOTION for Summary Judgment, <u>70</u> Cross–MOTION for Summary Judgment, and <u>58</u> MOTION for Summary Judgment: Motion Hearing via Zoom <i>scheduled for Monday 5/23/2022 at 2:00 PM as a Remote Hearing</i> before Chief Judge John J. McConnell, Jr.; Zoom information below. (Zoom Meeting ID: 160 317 9262, Passcode: 908260) (Jackson, Ryan) (Entered: 05/03/2022)
05/13/2022	<u>83</u>	Assented MOTION TO ADJOURN ORAL ARGUMENT re: Notice of Hearing on Motion, filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc.. Responses due by 5/27/2022. (Gainor, Ryan) (Entered: 05/13/2022)
05/13/2022		TEXT ORDER granting <u>83</u> Assented MOTION TO ADJOURN ORAL ARGUMENT; this matter will be rescheduled to a date to–be–determined. So Ordered by Chief Judge John J. McConnell, Jr. on 5/13/2022. (Jackson, Ryan) (Entered: 05/13/2022)

05/16/2022		<p>Reset Hearings re: Notice of Hearing on <u>64</u> MOTION for Summary Judgment, <u>70</u> Cross–MOTION for Summary Judgment, and <u>58</u> MOTION for Summary Judgment: Motion Hearing via Zoom <i>re–scheduled to <u>THURSDAY 7/14/2022 at 2:00 PM as a Remote Hearing</u></i> before Chief Judge John J. McConnell, Jr.; Zoom information below.</p> <p>(Zoom Meeting ID: 160 317 9262, Passcode: 908260) (Jackson, Ryan) (Entered: 05/16/2022)</p>
06/07/2022	<u>84</u>	<p>NOTICE by Peter Neronha, Elizabeth Tanner <i>Correspondence to Court re: Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit)(Shea, Andrea) (Entered: 06/07/2022)</p>
07/14/2022		<p>Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Motion Hearing held on 7/14/2022 re: <u>58</u> MOTION for Summary Judgment filed by Michelle Drum, Kambis Anvar, <u>64</u> MOTION for Summary Judgment filed by Peter Neronha, Elizabeth Tanner, <u>70</u> MOTION for Summary Judgment <i>and Objection to Plaintiff's Motion for Summary Judgment</i> filed by Rhode Island Responsible Beverage Alcohol Coalition, Inc. Counsel present via Zoom: S. Summer, R. Epstein, J. Tanford; A. Shea, L. Hill, D. Skakel; R. Gainor; R. Partington; Plaintiffs (Tanford and Epstein) argue their motion; Court questions counsel. Defendants and Intervenor–Defendants (Shea and Skakel, respectively) argue their motions; Court questions counsel. Brief break; argument and questioning continue on replies. Court takes matter under advisement. Adjourned. (Court Reporter K. Wischnowsky; via Zoom Videoconference at 2:00 PM) (Jackson, Ryan) (Entered: 07/15/2022)</p>
07/28/2022	<u>85</u>	<p>TRANSCRIPT ORDER for proceedings held on July 14, 2022 before Judge McConnell. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days.. (Gainor, Ryan) (Entered: 07/28/2022)</p>
07/28/2022	<u>86</u>	<p>TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>85</u> Transcript Order. Court Reporter/Transcriber: Karen Wischnowsky. (Dias, Jennifer) (Entered: 07/28/2022)</p>
07/29/2022	<u>87</u>	<p>TRANSCRIPT ORDER for proceedings held on July 14, 2022 before Judge McConnell Jr.. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days.. (Shea, Andrea) (Entered: 07/29/2022)</p>
07/29/2022	<u>88</u>	<p>TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>87</u> Transcript Order. Court Reporter/Transcriber: Karen Wischnowsky. (Dias, Jennifer) (Entered: 07/29/2022)</p>
08/18/2022	<u>89</u>	<p>TRANSCRIPT of Motions for Summary Judgment held on July 14, 2022, before Judge John J. McConnell, Jr. Court Reporter Karen Wischnowsky, Telephone number (401) 752–7045. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at www.rid.uscourts.gov and select Transcripts under the Case Information menu option. Redaction Request due 9/8/2022. Redacted Transcript Deadline set for 9/19/2022. Release of Transcript Restriction set for</p>

		11/16/2022. (Wischnowsky, Karen) (Entered: 08/18/2022)
09/21/2022	<u>90</u>	NOTICE by Peter Neronha, Rhode Island Responsible Beverage Alcohol Coalition, Inc., Elizabeth Tanner <i>Correspondence to Court re: Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit)(Shea, Andrea) (Entered: 09/21/2022)
09/23/2022	<u>91</u>	NOTICE by Kambis Anvar, Michelle Drum <i>Letter to Court replying to Defendants' correspondence re: submission of supplemental authority</i> <u>90</u> (Tanford, James) (Entered: 09/23/2022)
09/27/2022		TEXT ORDER: Elizabeth K. Dwyer has been substituted for former Director Elizabeth Tanner pursuant to Fed. R. Civ. P. 25(d)(1). So Ordered by Chief Judge John J. McConnell, Jr. on 9/27/2022. (Jackson, Ryan) (Entered: 09/27/2022)
09/29/2022	<u>92</u>	MEMORANDUM AND ORDER denying <u>58</u> Motion for Summary Judgment; granting <u>64</u> Motion for Summary Judgment; granting <u>70</u> Motion for Summary Judgment. So Ordered by Chief Judge John J. McConnell, Jr. on 9/29/2022. (Jackson, Ryan) (Entered: 09/29/2022)
09/29/2022	<u>93</u>	JUDGMENT in favor of Rhode Island Liquor Stores Association, Elizabeth K. Dwyer, Peter Neronha against Kambis Anvar, Michelle Drum. So Ordered by Deputy Clerk: Ryan H. Jackson on 9/29/2022. (Jackson, Ryan) (Entered: 09/29/2022)
10/28/2022	<u>94</u>	NOTICE OF APPEAL by Kambis Anvar, Michelle Drum as to <u>92</u> Order on Motion for Summary Judgment,, <u>93</u> Judgment (filing fee paid \$ 505.00, receipt number ARIDC-1808467) NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf/. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf Appeal Record due by 11/4/2022. (Beutel, Joseph) (Entered: 10/28/2022)

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 KELLEHER DWYER,
Interim Director of Dept.
of Business Regulation, and
PETER NERONHA, Attorney General
of Rhode Island,
Defendants,

RHODE ISLAND RESPONSIBLE BEVERAGE
ALCOHOL COALITION, INC.,
Intervening Defendant.

NOTICE OF APPEAL

Notice is hereby given that all Plaintiffs in the above-captioned case hereby appeal to the United States Court of Appeals for the First Circuit from the final judgment and order granting Defendants’ and Intervening Defendant’s Motions for Summary Judgment and denying Plaintiffs’ Motion for Summary Judgment entered in this action on the 29th day of September, 2022.

Respectfully submitted,
Attorneys for Plaintiffs
s/ Joseph Beutel
Joseph Beutel, *PHV*
Robert D. Epstein, *PHV*
James A. Tanford, *PHV*
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s/ Scott J. Summer
Scott J. Summer (RI Bar No 4127)
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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2022, I filed the foregoing with the court using the CM/ECF system which will serve all counsel of record.

s/ Joseph Beutel
Joseph Beutel

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

KAMBIS ANVAR and
MICHELLE DRUM,
Plaintiffs,

v.

C.A. No. 19-523 JJM

ELIZABETH KELLEHER DWYER,
Interim Director of Department
of Business Regulation,¹ and
PETER F. NERONHA, Attorney General
of Rhode Island,
Defendants,

v.

RHODE ISLAND RESPONSIBLE
BEVERAGE ALCOHOL COALITION, INC.,
Intervenor Defendant.

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Judgment hereby enters for the Defendants Elizabeth Dwyer and Peter Neronha, and the Intervenor-Defendant Rhode Island Responsible Beverage Alcohol Coalition, Inc., and against Plaintiffs Kabis Anvar and Michelle Drum pursuant to the Memorandum and Order entered on September 29th, 2022 by this Court.

(con't next page)

Enter:

/s/ Ryan H. Jackson
Deputy Clerk

Dated: September 29, 2022

United States Court of Appeals For the First Circuit

No. 22-1843

KAMBIS ANVAR; MICHELLE DRUM,

Plaintiffs - Appellants,

VINCENT COLAPIETRO; MICHAEL OSEAN,

Plaintiffs,

v.

ELIZABETH K. DWYER, in her official capacity as Director of RI Department of Business Regulation; PETER F. NERONHA, in his official capacity as Attorney General of Rhode Island; RHODE ISLAND RESPONSIBLE BEVERAGE ALCOHOL COALITION, INC,

Defendants - Appellees,

ELIZABETH TANNER, in her official capacity as Director of RI Department of Business Regulation,

Defendant.

CASE OPENING NOTICE

Issued: November 7, 2022

The above-captioned appeal was docketed in this court today pursuant to Rule 12 of the Federal Rules of Appellate Procedure. The above case number and caption (unless modified or amended as reflected in the heading of future court notices or orders) should be used on all papers subsequently submitted to this court. If any party disagrees with the clerk's office's designation of the parties on appeal, it must file a motion to amend the caption with any supporting documentation attached. Absent an order granting such a motion, the parties are directed to use the above caption on all pleadings related to this case.

Appellant must complete and return the following forms to the clerk's office by **November 21, 2022** to be deemed timely filed:

- [Appearance Form](#)
- [Transcript Report/Order Form](#) (Please carefully read the instructions for completing and filing this form.)

- [Docketing Statement](#)

These forms are available on the court's website at www.ca1.uscourts.gov, under "Forms & Notices." Failure to comply with the deadlines set by the court may result in dismissal of the appeal for lack of diligent prosecution. See 1st Cir. R. 3.0, 10.0, and 45.0.

Upon confirmation by the circuit clerk that the record is complete either because no hearing was held, no transcript is necessary, or the transcript is on file, the clerk's office will set the briefing schedule and forward a scheduling notice to the parties.

Unless the appellant was already determined to be in forma pauperis in the underlying district court action, or was determined to be financially unable to obtain an adequate defense in a criminal case, see Fed. R. App. P. 24(a)(3), a filing fee is due within seven days of filing the notice of appeal. An appellant not already determined to be indigent, who seeks to appeal in forma pauperis, must file a motion and financial affidavit in the district court in compliance with Fed. R. App. P. 24. For an appellant not already determined to be indigent, failure to pay the filing fee or file a motion seeking in forma pauperis status with the district court within fourteen days of the date of this notice, may result in the appeal being dismissed for lack of prosecution. 1st Cir. R. 3.0(b).

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission using the court's Case Management/Electronic Case Files ("CM/ECF") system prior to filing an appearance form. 1st Cir. R. 46.0(a). *Pro se* parties are not required to file an appearance form.

Dockets, opinions, rules, forms, attorney admission applications, the court calendar and general notices can be obtained from the court's website at www.ca1.uscourts.gov. Your attention is called specifically to the notice(s) listed below:

- [Notice to Counsel and Pro Se Litigants](#)
- [Transcript Notice](#)

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

Maria R. Hamilton, Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

John Joseph Moakley

United States Courthouse

1 Courthouse Way, Suite 2500

Boston, MA 02210

Case Manager: Gerry Claude - (617) 748-4275

United States Court of Appeals For the First Circuit

NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

The First Circuit has implemented the Federal Judiciary's Case Management/Electronic Case Files System ("CM/ECF") which permits documents to be filed electronically. In addition, most documents filed in paper are scanned and attached to the docket. In social security and immigration cases, members of the general public have remote electronic access through PACER only to opinions, orders, judgments or other dispositions of the court. Otherwise, public filings on the court's docket are remotely available to the general public through PACER. Accordingly, parties should not include in their public filings (including attachments or appendices) information that is too private or sensitive to be posted on the internet.

Specifically, Fed. R. App. P. 25(a)(5), Fed. R. Bank. P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Cr. P. 49.1 require that parties not include, or partially redact where inclusion is necessary, the following personal data identifiers from documents filed with the court unless an exemption applies:

- **Social Security or Taxpayer Identification Numbers.** If an individual's social security or taxpayer identification number must be included, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.

See also 1st Cir. R. 25.0(m).

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114.

Attorneys are urged to share this notice with their clients so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction.

Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to them. For further information, including a list of exemptions from the redaction requirement, see <http://www.privacy.uscourts.gov/>.

United States Court of Appeals For the First Circuit

NOTICE TO COUNSEL REGARDING MANDATORY REGISTRATION AND TRAINING FOR ELECTRONIC FILING (CM/ECF)

On August 21, 2017, the U.S. Court of Appeals for the First Circuit upgraded its CM/ECF system to NextGen CM/ECF, the latest iteration of the electronic case filing system. Use of the electronic filing system is mandatory for attorneys. If you intend to file documents and/or receive notice of docket activity in this case, please ensure you have completed the following steps:

- **Obtain a NextGen account.** Attorneys who had an e-filing account in this court prior to August 21, 2017 are required to update their legacy account in order to file documents in the NextGen system. Attorneys who have never had an e-filing account in this court must register for an account at www.pacer.gov. For information on updating your legacy account or registering for a new account, go to the court's website at www.ca1.uscourts.gov and select *E-Filing (Information)*.
- **Apply for admission to the bar of this court.** Attorneys who wish to e-file must be a member of the bar of this court. For information on attorney admissions, go to the court's website at www.ca1.uscourts.gov and select *Attorney Admissions* under the *Attorney & Litigants* tab. Bar admission is not required for attorneys who wish to receive notice of docket activity, but do not intend to e-file.
- **Review Local Rule 25.** For information on Loc. R. 25.0, which sets forth the rules governing electronic filing, go to the court's website at www.ca1.uscourts.gov and select *First Circuit Rulebook* under the *Rules & Procedures* tab.

United States Court of Appeals For the First Circuit

ORDER OF COURT

Entered: February 9, 2021

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, the Court has adopted new security procedures to protect any highly sensitive document (HSD) filed with the Court that, if improperly disclosed, could cause harm to the United States, the Federal Judiciary, litigants, or others.

HSDs are documents containing information that is likely to be of interest to the intelligence service of a foreign government and the use or disclosure of such information by a hostile foreign government would likely cause significant harm to the United States or its interests. Examples of HSDs include unclassified sealed documents involving national security, foreign sovereign interests, criminal activity related to cybersecurity or terrorism, investigation of public officials, and extremely sensitive commercial information likely to be of interest to foreign powers.

The following types of sealed documents, if they do not fall into one of the categories above, typically will not qualify as HSDs: (1) presentence reports and related documents; (2) pleadings related to cooperation in criminal cases; (3) Social Security records; (4) administrative immigration records; and (5) most sealed documents in civil cases.

The designation of a document as highly sensitive is typically made by the district court or originating agency. Documents that have previously been designated by the district court or an agency as highly sensitive will ordinarily be treated in the same manner by this court. See 1st Cir. R. 11.0(c)(1).

If a document qualifies as an HSD as that term is described above, a filer is required to file a motion to treat that document as an HSD. The movant must serve the motion and the proposed HSD on all other parties by mail with proof of service under Fed. R. App. P. 25(d)(1). The motion and each proposed HSD should be conspicuously marked as a “HIGHLY SENSITIVE DOCUMENT” and placed inside an envelope marked “HIGHLY SENSITIVE.” The motion to treat a document as an HSD should be filed contemporaneously with the filing of a motion to seal the document and should be filed in paper format only under the procedures and requirements of 1st Cir. R. 11.0(c). The motion must set forth in detail why the proposed document constitutes a highly sensitive document under the criteria set out in this order, including the specific grounds for asserting that the document contains information that is likely to be of interest to the intelligence service of a foreign government and the use or disclosure of such information by a hostile foreign government would likely cause significant harm to the United States or its interests. Conclusory assertions will not be deemed a sufficient basis for filing a motion to treat a sealed document as an HSD. If a filer believes that a previously filed document in an ongoing case before

the court qualifies as an HSD, a motion to treat the sealed document as an HSD may be filed. There is no need to file such a motion in a closed case.

/s/ Jeffrey R. Howard
Jeffrey R. Howard
Chief Judge

cc:

Joseph Beutel

Marc DeSisto

Robert D. Epstein

Ryan M. Gainor

Lauren E. Hill

Rebecca Tedford Partington

Gerald J. Petros

Andrea M. Shea

Scott J. Summer

James A. Tanford

United States Court of Appeals For the First Circuit

NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See 1st Cir R. 25.0. A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner **ONLY** if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file. If you fail to file a document in the correct format, you will be asked to resubmit it.