

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

DOUGLAS J. FURLONG *
8 Stony Meadow Court *
Lutherville-Timonium, Maryland 21093 *

and *

MIRAGE BEER COMPANY *
927 South Homer Street *
Seattle, Washington 98108 *

and *

VARIETAL BEER COMPANY *
416 East Edison Street *
Sunnyside, Washington 98944 *

Plaintiffs, *

v. *

Civil Action No. _____

THE HON. ANTHONY G. BROWN *
Attorney General of Maryland *
200 St. Paul Place *
Baltimore, Maryland 21202 *

and *

ALAN SILVERSTEIN *
Chairperson, Maryland Alcohol, Tobacco, *
and Cannabis Commission *
1215 East Fort Avenue *
Baltimore, Maryland 21230 *

and *

BARBARA WAHL *
Vice-Chair, Maryland Alcohol, Tobacco, *
and Cannabis Commission *
1215 East Fort Avenue *
Baltimore, Maryland 21230 *

and *

BETTY BUCK *
Commissioner, Maryland Alcohol, *
Tobacco, and Cannabis Commission *
1215 East Fort Avenue *
Baltimore, Maryland 21230 *

and *

ROBERT POOLE *
Commissioner, Maryland Alcohol, *
Tobacco, and Cannabis Commission *
1215 East Fort Avenue *
Baltimore, Maryland 21230 *

and *

ERIC MORRISSETTE *
Commissioner, Maryland Alcohol, *
Tobacco, and Cannabis Commission *
1215 East Fort Avenue *
Baltimore, Maryland 21230 *

and *

JEFFREY A. KELLY *
Executive Director, Maryland Alcohol, *
Tobacco, and Cannabis Commission *
1215 East Fort Avenue *
Baltimore, Maryland 21230 *

Defendants. *

* * * * *

COMPLAINT

Plaintiffs make the following allegations based upon information and belief, except for the allegations pertaining to Plaintiffs, which are based upon personal knowledge.

Introduction

This is a civil rights action brought pursuant to 42 U.S.C. § 1983 challenging the constitutionality of Maryland laws, regulations, rules, and practices that allow in-state beer producers to sell, deliver, and ship beer directly to Maryland consumers but prohibit out-of-state beer producers doing so. Out-of-state beer producers, such as Plaintiffs Mirage Beer Company and Varietal Beer Company, and many other beer sellers throughout the United States, cannot sell, ship, and deliver directly to Maryland consumers because this practice is illegal under Maryland law. The Plaintiffs seek a declaratory judgment that this regulatory scheme is unconstitutional because it violates the Commerce Clause and discriminates against out-of-state beer producers engaged in interstate commerce. The Plaintiffs seek an injunction barring the Defendants from enforcing these laws, regulations, rules, and practices and requiring them to allow out-of-state beer producers to sell, ship, and deliver beer directly to Maryland consumers upon the same terms as in-state beer producers.

Jurisdiction

1. This Court has jurisdiction to hear this case pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3), which confer original jurisdiction on federal district courts to hear suits alleging the violation of rights and privileges under the United States Constitution.

2. This Court has authority to grant declaratory and other relief pursuant to 28 U.S.C. §§ 2201 and 2202.

Plaintiffs

3. Consumer Plaintiff Douglas J. Furlong is a resident of Baltimore County, Maryland. He is over the age of twenty-one, and is legally permitted to purchase, receive, possess, and drink beer at his residence. When Mr. Furlong was in college, in law school, and after law school but before he was admitted to the Bar of the State of Maryland, he successfully challenged the constitutionality of a New York statute and regulations that banned the mere possession of beer in New York State parks, resulting in a change in New York law. *See People v. Furlong*, 129 Misc.2d 938, 494 N.Y.S.2d 653 (1985); *aff'd as academic by amendment of L.I. State Park regulation to require proof of intent to consume*, 70 N.Y.2d 756, 520 N.Y.S.2d 749, 514 N.E.2d 1373 (1987). He is an aficionado of craft beers and desires to purchase special beers that are difficult to locate. As a consumer of fine and artisanal beer, he would like to purchase craft beer from out-of-state beer producers in Washington and have those beers shipped to his residence in Maryland, but Maryland laws, regulations, rules, and practices prohibit the out-of-state beer producers from doing so.

4. Brewery Plaintiff Mirage Beer Company is a Washington company that operates a brewery in Seattle, Washington, and engages in Internet sales of its products. Consumers from all over the country, including many from Maryland, enjoy Mirage's beer offerings. It has developed long-term relationships with customers to whom it makes sales of special beers and with customers who wish to have its beer shipped

directly to them. It has received requests that it sell, ship, and deliver beer to Maryland consumers, but is unable to do so because it is unlawful.

5. Mirage Beer Company maintains an Internet website and has previously handled deliveries and shipping of beer that was purchased from its online store.

6. Brewery Plaintiff Varietal Beer Company is a Washington company that operates a brewery in Sunnyside, Washington. Consumers from all over the country, including many from Maryland, enjoy Varietal's beer offerings. It has developed long-term relationships with customers to whom it makes sales of special beers and with customers who wish to have its beer shipped directly to them. It has received requests that it sell, ship, and deliver beer to Maryland consumers, but is unable to do so because it is unlawful.

7. Maryland law allows for direct shipping of beer to consumers only from in-state breweries. Brewery Plaintiffs anticipate that Defendants would enforce current Maryland laws, regulations, rules, and practices to prevent any attempts to directly ship their products to Maryland consumers.

8. Brewery Plaintiffs intend to sell, ship, and deliver beer directly to Maryland consumers, such as Consumer Plaintiff Douglas J. Furlong, if the Maryland laws and regulations prohibiting such sales and shipments are removed or declared unconstitutional.

9. The Brewery Plaintiffs intend to collect and pay all taxes that may be due on such interstate shipments and to comply with all other non-discriminatory state laws and regulations, including obtaining licenses if one were available.

Defendants

10. Defendants are sued in their official capacities.

11. Defendant Anthony G. Brown is the Maryland Attorney General and is generally empowered to enforce Maryland laws. As the chief legal officer of the State, the Attorney General has general charge, supervision, and direction of the legal business of the State. Md. Code Ann., Alcoholic Beverages § 6-106. His duties include prosecuting and defending cases on behalf of the State in order to promote and protect the State's policies, determinations, and rights. *State ex rel. Atty. Gen. v. Burning Tree Club, Inc.*, 301 Md. 9, 34, 481 A.2d 785, 797 (1984). He is able to investigate, commence, and prosecute any civil or criminal suit or action or category of such suits or actions in any of the Federal Courts. Md. Const. art. V § 3(a)(2). Additionally, the Attorney General is given authority by 27 U.S.C. § 122a to bring civil action for injunction relief against Plaintiffs (and others) to enforce compliance with State law and/or to restrain them from engaging, or continuing to engage, in violations of the Liquor Control Act.

12. Defendant Alan I. Silverstein is the Chairperson of the Maryland Alcohol, Tobacco, and Cannabis Commission (the "Commission"), which is charged with issuing manufacturer's licenses pursuant to Md. Code Ann., Alcoholic Beverages § 2-201. *See generally* Md. Code Ann., Alcoholic Beverages § 1-101 *et seq.* *See also* Md. Code Ann., Alcoholic Beverages § 1-321.

13. Defendant Barbara Wahl is a Commissioner of the Commission, which is charged with issuing manufacturer's licenses pursuant to Md. Code Ann., Alcoholic Beverages § 2-201, amongst other enforcement duties under the Alcoholic Beverage

Article. *See generally* Md. Code Ann., Alcoholic Beverages § 1-101 *et seq.* *See also* Md. Code Ann., Alcoholic Beverages § 1-321.

14. Defendant Robert H. Poole is a Commissioner of the Commission, which is charged with issuing manufacturer's licenses pursuant to Md. Code Ann., Alcoholic Beverages § 2-201. *See generally* Md. Code Ann., Alcoholic Beverages § 1-101 *et seq.* *See also* Md. Code Ann., Alcoholic Beverages § 1-321.

15. Defendant Elizabeth J. Buck is a Commissioner of the Commission, which is charged with issuing manufacturer's licenses pursuant to Md. Code Ann., Alcoholic Beverages § 2-201. *See generally* Md. Code Ann., Alcoholic Beverages § 1-101 *et seq.* *See also* Md. Code Ann., Alcoholic Beverages § 1-321.

16. Defendant Eric Morrissette is a Commissioner of the Commission, which is charged with issuing manufacturer's licenses pursuant to Md. Code Ann., Alcoholic Beverages § 2-201. *See generally* Md. Code Ann., Alcoholic Beverages § 1-101 *et seq.* *See also* Md. Code Ann., Alcoholic Beverages § 1-321.

17. Defendant Jeffrey A. Kelly is the Executive Director of the Commission. As Executive Director, Defendant Kelly enforces the provisions of the Alcoholic Beverage Article, Md. Code Ann., Alcoholic Beverages § 1-319, and adopts regulations to discharge the duties therein. Md. Code Ann., Alcoholic Beverages § 1-311. *See also* Md. Code Ann., Alcoholic Beverages § 1-318. The Commission's Field Enforcement Division, housed in the office of the Executive Director, is responsible for the enforcement of the Alcoholic Beverage Article relating to the unlawful importation of alcoholic beverages and tobacco into Maryland and the manufacture, transportation,

distribution , or other form of owning, handling, or dispersing alcoholic beverages by any person not licensed or authorized under Maryland law. Md. Code Ann. Alcoholic Beverages, § 1-313.

18. Defendants are acting under color of state law when they enforce or supervise the enforcement of the statutes and regulations challenged herein.

Count I: Commerce Clause Violation

19. Plaintiffs repeat and re-allege each of the foregoing paragraphs as if set out fully herein.

20. In the State of Maryland, a resident beer producer may sell, ship, and deliver directly to Maryland consumers any product it manufactures under its license pursuant to Md. Code Ann., Alcoholic Beverages § 2-219. There is no corresponding license available in Maryland that could be issued to out-of-state breweries in the State of Washington to allow for sales, shipment, and direct delivery of beer to Maryland consumers, and Maryland laws, regulations, and rules do not allow for out-of-state breweries to do so.

21. Maryland issues brewery permits that authorize direct sales and shipping to customers only to state residents. Md. Code Ann, Alcoholic Beverages § 2-211.

22. Brewery Plaintiffs are not located in Maryland and are prohibited by Maryland law from selling, delivering, or shipping beer from its inventory directly to consumers in Maryland under the provisions of the Alcoholic Beverage Article, including *inter alia* Md. Code Ann., Alcoholic Beverages § 1-401, and the enforcement practices of Defendants.

23. Defendants and other law enforcement agencies in Maryland intend to enforce the aforementioned laws, regulations, and rules that prohibit out-of-state beer producers in Washington from selling, delivering, and shipping beer directly to Maryland consumers.

24. Douglas J. Furlong is a beer consumer who wants the opportunity to buy beer directly from Mirage Beer Company, Varietal Beer Company, and other beer producers outside of Maryland, and to have these beers delivered to his residence.

25. He has contacted several out-of-state beer producers, including Mirage Beer Company and Varietal Beer Company, either on the Internet or by phone to buy beers he cannot find locally, including those of Plaintiffs. Mirage Beer Company (on July 28, 2023) and Varietal Beer Company (on July 24, 2023) declined to sell and ship their products directly to Mr. Furlong because they are prohibited from doing so by Maryland law.

26. Many breweries that produce limited production, specialty, and unusual craft beer are located outside of Maryland. Douglas J. Furlong cannot afford the time and expense of traveling great distances to out-of-state beer producers to purchase a few bottles of rare beer and personally transport them home.

27. Mr. Furlong has attempted to purchase beer, including beer which he could not obtain locally, from out-of-state beer producers located in states that do not allow direct shipment from non-Maryland breweries and has been denied these purchases.

28. Some beers that he wants to buy are only available directly from the non-Maryland beer producers themselves. This includes older, aged beers no longer generally

available, and current beers that have sold out locally after receiving favorable reviews or because few bottles of the limited production beer were allocated to Maryland and Maryland wholesalers.

29. At present, Brewery Plaintiffs are forced to use wholesaler entities at significant additional costs to themselves to make available their products, rare or not, to Maryland consumers such as Plaintiff Douglas J. Furlong, whereas their counterpart in-state Maryland breweries are not required to make such expenditures. Direct shipping would be a significant cost-savings for Brewery Plaintiffs.

30. Douglas J. Furlong cannot complete the transactions described in paragraphs 20-28 above because the laws, regulations, and practices of Maryland prohibit direct sales and shipments of beer from out-of-state beer producers in select states to in-state consumers and State officials will not issue any kind of license that would allow such transactions.

31. If Brewery Plaintiffs Mirage Beer Company and Varietal Beer Company were permitted to sell, ship, and deliver their beer directly to consumers in the State of Maryland, either by using their own vehicle or by common carrier, each would obtain a license if one were available and would comply with the same rules concerning labeling, shipping, reporting, obtaining proof of age, and paying taxes as imposed upon and adhered to by in-State beer producers.

32. By refusing to allow Brewery Plaintiffs Mirage Beer Company and Varietal Beer Company to sell, ship, and deliver beer upon the same terms as in-State beer producers, the State of Maryland is discriminating against interstate commerce and

protecting the economic interest of local businesses by shielding them from competition, in violation of the Commerce Clause of the United States Constitution.

Prayer For Relief

WHEREFORE, Plaintiffs seek the following relief:

A. Judgment declaring Maryland law, regulations, rules, and practices that prohibit out-of-state beer producers from selling, shipping, and delivering beer directly to Maryland consumers unconstitutional as a violation of the Commerce Clause of the United States Constitution.

B. Judgment declaring the residency requirement in Md. Code Ann., Alcoholic Beverages § 2-211 unconstitutional as a violation of the Commerce Clause of the United States Constitution.

C. An injunction prohibiting Defendants from enforcing those rules and regulations; and requiring Defendants to allow out-of-state beer producers to obtain licenses and to sell, ship, and deliver beer directly to consumers in Maryland.

D. Plaintiffs do not request the State to forego its requirements for licenses to direct ship and Brewery Plaintiffs would seek to obtain such licenses were they to be made available to them.

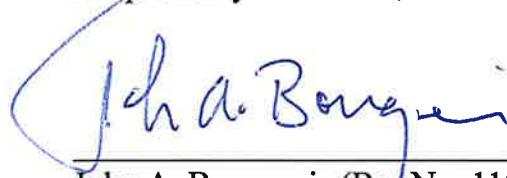
E. Plaintiffs do not request that the State be enjoined from collecting any tax due on the sale of beer.

F. An award of costs and expenses, including reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.

G. Such other relief as the Court deems appropriate to afford Plaintiffs full relief.

Dated: July 31, 2023.

Respectfully submitted,



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Counsel for Plaintiffs

CIVIL COVER SHEET

JS 44 (Rev. 04/21)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Douglas J. Furlong, Mirage Beer Company, Varietal Beer Company
(b) County of Residence of First Listed Plaintiff Baltimore County
 (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorneys (Firm Name, Address, and Telephone Number)
 John A. Bourgeois, Kramon & Graham, P.A.
 One South St., Ste. 2600, Baltimore MD 21202
 (410) 752-6030

DEFENDANTS
 The Hon. Anthony G. Brown, Attorney General MD; Alan Silverstein, Barbara Wahl, Robert Poole, Elizabeth Buck, +
 County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
 Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
 1 U.S. Government Plaintiff
 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
 (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) [Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (specify)
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
 Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. sec. 1983 Commerce Clause
 Brief description of cause:
 Constitutionality of Maryland prohibition of direct sales to Maryland consumers by out-of-state breweries

VII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
 DEMAND \$ _____
 Declaration/Injunction
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
 JUDGE _____ DOCKET NUMBER _____

DATE: Jul 31, 2023
 SIGNATURE OF ATTORNEY OF RECORD: *John A. Bourgeois*

FOR OFFICE USE ONLY
 RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Honorable Anthony G. Brown
Attorney General of Maryland *
200 St. Paul Place
Baltimore, Maryland 21202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ALAN SILVERSTEIN
Chairperson, Maryland Alcohol, Tobacco,
and Cannabis Commission
1215 East Fort Avenue
Baltimore, Maryland 21230

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BARBARA WAHL
Vice-Chair, Maryland Alcohol, Tobacco,
and Cannabis Commission
1215 East Fort Avenue
Baltimore, Maryland 21230

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

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I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BETTY BUCK
Commissioner, Maryland Alcohol, Tobacco, and Cannabis Commission
1215 East Fort Avenue
Baltimore, Maryland 21230

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ROBERT POOLE
Commissioner, Maryland Alcohol, Tobacco, and Cannabis Commission
1215 East Fort Avenue
Baltimore, Maryland 21230

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ERIC MORRISSETTE
Commissioner, Maryland Alcohol,
Tobacco, and Cannabis Commission
1215 East Fort Avenue
Baltimore, Maryland 21230

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
District of Maryland

Douglas J. Furlong, et al.

Plaintiff(s)

v.

The Hon. Anthony G. Brown, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JEFFREY A. KELLY
Executive Director, Maryland Alcohol,
Tobacco, and Cannabis Commission
1215 East Fort Avenue
Baltimore, Maryland 21230

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John A. Bourgeois
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: