

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DOUGLAS FURLONG, *
VARIETAL BEER COMPANY, *
VORTEX BREWING CO., LLC, *

Plaintiffs, *

v. *

Civil Action No. RDB-23-2045

THE HON. ANTHONY G. BROWN, *
Attorney General of Maryland, *
JEFFREY A. KELLY, *Executive Director,* *
Maryland Alcohol, Tobacco, and Cannabis *
Commission, *

Defendants. *

* * * * *

AMENDED JUDGMENT

Following a trial in the above-captioned matter, this Court on December 23, 2025, filed its Trial Findings of Fact and Conclusions of Law (ECF No. 111), pursuant to Federal Rule of Civil Procedure 52(a) and entered Judgment (ECF No. 112) on Plaintiffs’ two-Count Amended Complaint (ECF No. 35) in favor of Plaintiffs and against Defendants. Upon Consideration of Defendants’ Motion to Alter or Amend Judgment (ECF No. 115) and Plaintiffs’ Opposition (ECF No. 116) thereto, it is this 20th day of February 2026 HEREBY ORDERED THAT:

1. This Amended Judgment shall supersede the Judgment (ECF No. 112) entered by this Court on December 23, 2025;
2. The Clerk of this Court shall enter Judgment on Count I of Plaintiffs’ Amended Complaint (ECF No. 35) in favor of Plaintiffs and against Defendants;

3. The Clerk of this Court shall enter Judgment on Count II of Plaintiffs' Amended Complaint (ECF No. 35) in favor of Plaintiffs and against Defendants;
4. The Clerk of this Court shall enter declaratory judgment declaring unconstitutional under the Commerce Clause to the United States Constitution the residency and employee-delivery restrictions contained in the Direct Delivery Law and codified at MD. CODE ANN., ALC. BEV. & CANNABIS § 2-169(a);
5. Defendants are ENJOINED from enforcing against out-of-state beer producers the requirement in MD. CODE ANN., ALC. BEVS. & CANNABIS § 2-169(a)(1) that to qualify for a direct beer delivery permit, an applicant must be (1) licensed in the State of Maryland to engage in the manufacture of beer and (2) the holder of a Class 7 limited beer wholesaler's license issued by the State of Maryland, provided however that Defendants are not enjoined from enforcing against out-of-state beer producers the requirements in § 2-308 that to qualify for a direct beer delivery permit, a producer may not produce more than 45,000 barrels of beer annually and not distribute more than 5,000 barrels of its own beer annually;
6. Defendants are ENJOINED from enforcing the requirement in MD. CODE ANN., ALC. BEVS. & CANNABIS § 2-169(a)(2)(i) that beer deliveries must be made by an employee of the beer delivery permit holder. Beer producers shall be authorized to ship beer via common carrier in the same manner and with the same duties and restrictions as holder of Direct Wine Shipper's Permit under Title 2, Part V of Maryland's Alcoholic Beverages and Cannabis Article;
7. The Clerk of this Court shall CLOSE this case; and,

8. The Clerk of this Court shall transmit a copy of this Amended Judgment to counsel of record in this case.

/s/

Richard D. Bennett
United States Senior District Judge