

## CAUSE NO. D-1-GN-14-005151

AUG 25 2016 NNR 1:35pm.

lelva L. Price. District Clerk

LIVE OAK BREWING CO., LLC, REVOLVER BREWING, LLC; AND PETICOLAS BREWING CO., LLC, Plaintiffs,

IN THE DISTRICT COURT OF

v.

TRAVIS COUNTY, TEXAS

TEXAS ALCOHOLIC BEVERAGE COMMISSION; and SHERRY COOK, in her official capacity as Executive Director of the Texas Alcoholic Beverage Commission, Defendants.

98TH JUDICIAL DISTRICT

## FINAL JUDGMENT

On August 15, 2016, the Court considered (1) Plaintiffs Live Oak Brewing Company, LLC, Revolver Brewing, LLC, and Peticolas Brewing Company, LLC's Motion for Summary Judgment, and (2) Defendants Texas Alcoholic Beverage Commission and Sherry Cook's Traditional and No-Evidence Motion for Summary Judgment. After reviewing the parties' respective motions, the response and reply briefs, the pleadings on file, the summary judgment evidence presented, arguments of counsel, and applicable law, the Court enters the following orders:

- IT IS ORDERED that Plaintiffs Live Oak Brewing Company, LLC, Revolver Brewing, LLC, and Peticolas Brewing Company, LLC's Motion for Summary Judgment is GRANTED in part and DENIED in part.
  - A. IT IS ORDERED that Plaintiffs' Motion for Summary Judgment against Defendants on their claim for a declaratory judgment that Section 102.75(a)(7) of the Texas Alcoholic Beverage Code violates the Due Course of Law guarantees of Article I, Section 19 of the Texas Constitution is GRANTED.

- B. IT IS THEREFORE ORDERED, ADJUDGED, and DECLARED that Section 102.75(a)(7) of the Texas Alcoholic Beverage Code violates the Due Course of Law guarantees of Article I, Section 19 of the Texas Constitution.
- C. IT IS FURTHER ORDERED, ADJUDGED AND DECLARED that Defendants, their employees, agents, and successors are permanently enjoined from enforcing Section 102.75(a)(7) of the Texas Alcoholic Beverage Code against Plaintiffs and all other producers of beer, ale, and malt liquor.
- IT IS ORDERED that Defendants Texas Alcoholic Beverage Commission and Sherry Cook's Traditional and No-Evidence Motion for Summary Judgment is GRANTED in part and DENIED in part.
  - A. IT IS ORDERED that Defendants' Motion for Summary Judgment on Plaintiffs' claim for a declaratory judgment that Section 102.75(a)(7) of the Texas Alcoholic Beverage Code violates the Takings Clause of Article I, Section 17 of the Texas Constitution is GRANTED.
  - B. IT IS THEREFORE ORDERED, ADJUDGED, and DECLARED that Plaintiffs' claim for a declaratory judgment that Section 102.75(a)(7) of the Texas Alcoholic Beverage Code violates the Takings Clause of Article I, Section 17 of the Texas Constitution is DISMISSED with prejudice.
  - C. IT IS ORDERED that Defendants' Motion for Summary Judgment on Plaintiffs' claim for attorney's fees is GRANTED.
  - D. IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that Plaintiff's request for attorney's fees is DISMISSED with prejudice.

All relief not expressly granted herein is DENIED.

This Final Judgment disposes of all parties and all claims pending before the Court. It is, therefore, a final and appealable judgment.

Signed on this 25 day of August, 2016.

JUDGE PRESIDING KARIN CRUMP