

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

LITTLE ITALY OF TELLICO, LLC,)
AND ITS MEMBER,)
)
Plaintiffs,)
)
v.)
)
LOUDON COUNTY BEER BOARD)
AND ITS MEMBERS,)
)
Defendants.)

Case No. 13088
NOTICE OF ENTRY REQUESTED


ORDER GRANTING MOTION TO DISMISS

On December 5, 2023, this cause came on to be heard upon the motion of Defendants Loudon County Beer Board and Its Members (“Defendants”) to dismiss Plaintiffs’ Complaint, as amended, pursuant to Rule 12.02(1) & (5) of the Tennessee Rules of Civil Procedure on the grounds that (1) the Complaint was not properly filed as a petition for a writ of certiorari; (2) the claims are time-barred; and (3) Defendants were not properly served. It appearing to the court that the motion should be sustained for the reasons set forth in the transcript of the court’s oral Memorandum Opinion, attached hereto as **Exhibit A** and incorporated herein as if set forth verbatim, it is


ORDERED that Defendants’ Motion to Dismiss is **GRANTED** and the Plaintiffs’ Complaint, as amended, is hereby **DISMISSED** with prejudice.

This is a final Order pursuant to Tenn. R. Civ. P. 58. The statutory court costs are taxed to Plaintiff for which execution may issue.

ENTER this 20 day of December, 2023.

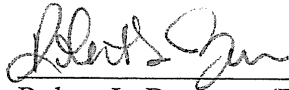


HONORABLE TOM MCFARLAND,
CHANCELLOR

ENTERED 20 DAY OF Dec 2023
BK 87


CLERK & MASTER CB

APPROVED FOR ENTRY:



Robert L. Bowman (BPR No. 017266)

Andrew M. Hale (BPR No. 036815)

KRAMER RAYSON LLP

P. O. Box 629

Knoxville, TN 37901-0629

Telephone: 865-525-5134

E-mail: rlbowman@kramer-rayson.com

E-mail: ahale@kramer-rayson.com

Attorneys for Defendants Loudon County

Beer Board and Its Members

CERTIFICATE OF SERVICE

Pursuant to Tenn. R. Civ. P. 58, I hereby certify that a copy of the foregoing Order has been served, via e-mail and U.S. Mail, upon:

Errol W. Keith (BPR No. 024280)

200 Oologila Place

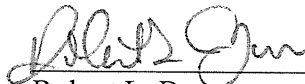
Loudon, Tennessee 37774

Telephone: (248) 808-2250

E-mail: ewkeith@aim.com

Attorney for Plaintiffs

This 12th day of December, 2023.



Robert L. Bowman

CERTIFICATE OF CLERK
STATE OF TENN. LOUDON COUNTY

I, Lisa Scott, Clerk and Master for said county hereby certify that I have handed or placed in the United States mail a true & accurate copy of the foregoing document to the parties and/or counsel this

Dec 20 2023
By Connie Black LISA SCOTT, CLERK D.C.

STATE OF TENN. LOUDON COUNTY

I, Lisa Scott, Clerk and Master for said county, certify this to be a true & correct copy of the original which is on file in my office at the Court House in Loudon.

Witness my hand and seal at office, this

December 21st 2023

Lisa Scott Clerk

By Karip Smullen D.C.

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

LITTLE ITALY OF TELLICO, LLC,
AND ITS MEMBERS,

PLAINTIFFS,

VS.

LOUDON COUNTY BEER BOARD
AND ITS MEMBERS,

DEFENDANTS.

CASE NO. 13088

EXCERPT FROM TRANSCRIPT OF PROCEEDINGS

Memorandum Opinion

DECEMBER 5, 2023

Before the Honorable Thomas McFarland, Chancellor

PEGGY F. MCCRORY, LCR #532
Registered Professional Reporter
Knoxville, TN 37901

1 Appearances:

2
3 On Behalf of the Plaintiffs:

4 ERROL W. KEITH, ESQ.
5 200 Oologila Place
6 Loudon, TN 37774
7 865-458-4277

8 On Behalf of the Defendants:

9 ROBERT L. BOWMAN, ESQ.
10 Kramer Rayson, LLP
11 First Horizon Plaza
12 800 S. Gay Street
13 Suite 2500
14 Knoxville, TN 37929
15 865-525-5134
16 rlbowman@kramer-rayson.com
17
18
19
20
21
22
23
24
25

1 (Whereupon the above-styled cause came on
2 for hearing on this the 5th day of December, 2023, in the
3 Chancery Court of Loudon County, Tennessee, before the Honorable
4 Thomas McFarland, chancellor of said court, and the following
5 proceedings were had, to-wit:)

6 * * *

7 THE COURT: I can't rule on what might
8 happen. But for today, I think it's clear that I'll
9 have to grant the motion to dismiss today.

10 MR. KEITH: Based on procedure.

11 THE COURT: Procedure and the --

12 MR. KEITH: Statute is -- I appreciate
13 that.

14 THE COURT: -- statute for the 60-day
15 appeal period has lapsed.

16 MR. KEITH: We will refile for declaratory
17 judgment.

18 THE COURT: All right. Thank you.

19 (Whereupon these proceedings were
20 adjourned.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

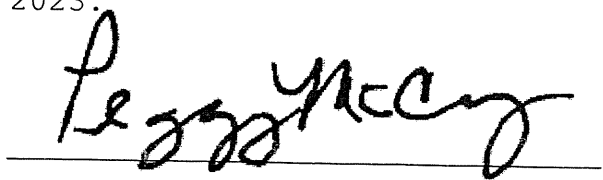
STATE OF TENNESSEE:

COUNTY OF LOUDON:

I, Peggy F. McCrory, Registered Professional Reporter and Notary Public, do hereby certify that I reported in machine shorthand the foregoing proceedings; that the foregoing pages, numbered from 1 through 4, were typed by me using computer-aided transcription and constitute a true and accurate record of said proceedings.

I further certify that I am not an attorney or counsel of any attorney or counsel connected with the action, nor financially interested in the action.

Witness my hand and official seal this the 6th day of December, 2023.



Peggy F. McCrory, LCR #532
Registered Professional Reporter
And Notary Public at Large.

My Commission Expires: 8-29-26