

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

HAROLD STAHL, et al.,)	
)	
Plaintiffs,)	Case No. 2:03cv00597
)	
vs.)	Judge Smith
)	
BOB TAFT, Governor of Ohio, et al.,)	Magistrate Judge King
)	
Defendants)	

AGREED ORDER AND INJUNCTION

Plaintiffs have alleged, and Defendants concede, that Ohio’s statutory scheme that restricts out-of-state wineries from selling and shipping wine directly to customers in Ohio is unconstitutional under the authority of *Granholm v. Heald*, 125 S.Ct. 1885 (May 16, 2005).

The specific laws at issue in this case are Ohio Revised Code §§ 4303.25 and 4303.29, and Ohio Administrative Code §§ 4301:1-1-22(A) and (C) and 4301:1-1-23, which apply to all alcoholic beverages. The only beverage at issue in this case is wine, and this Order does not affect the validity of those statutes with respect to other types of alcoholic beverages, such as beer and spirituous liquor.

IT IS THEREFORE ORDERED and ADJUDGED that Ohio Revised Code §§ 4303.25 and 4303.29, and Ohio Administrative Code §§ 4301:1-1-22 (A) and (C) and 4301:1-1-23 violate the Commerce Clause to the extent that they prohibit out-of-state wineries from selling and delivering wine directly to Ohio residents.

IT IS FURTHER ORDERED that Defendants are ENJOINED from enforcing Ohio Revised

Code §§ 4303.25 and 4303.29, and Ohio Administrative Code §§ 4301:1-1-22 (A) and (C) and 4301:1-1-23, to the extent that they prohibit out-of-state wineries from selling and shipping wine directly to Ohio residents.

IT IS FURTHER ORDERED that until a legislative amendment or appropriate rule change is enacted, Defendant Division of Liquor Control may use the form and procedure for direct shipment of wine from out-of-state wineries direct to Ohio consumers that is set forth in schedule A to this Order.

IT IS FURTHER ORDERED that Defendants will pay costs and reasonable attorneys' fees to Plaintiffs pursuant to 42 U.S.C. § 1988, in an amount to be determined in a subsequent proceeding.

This the ___ day of _____, 2005.

GEORGE C. SMITH
UNITED STATES DISTRICT JUDGE