



New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

Please type or clearly print all information.

Title in Full
**IN RE LIMITED BREWERY SPECIAL RULING AND
SPECIAL LICENSE CONDITIONS**

Trial Court or Agency Docket Number
N/A

• Attach additional sheets as necessary for any information below.

Appellant's Attorney

Email Address: **incominglit@pacificallegal.org**
jhoughton@pacificallegal.org (*)

☒ Plaintiff ☐ Defendant ☐ Other (Specify)

Name
JONATHAN MORGAN HOUGHTON, Esq.

Client
DEATH OF THE FOX BREWING CO.

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City
ARLINGTON

State
VA

Zip
22201

Telephone Number
202-888-6881

Respondent's Attorney

Email Address: **alyssa.wolfe@njoag.gov**

☐ Plaintiff ☐ Defendant ☒ Other (Specify) **STATE AGENCY**

Name
ALYSSA P WOLFE, Esq.

Client
**NEW JERSEY DIVISION OF ALCOHOLIC
BEVERAGE CONTROL**

Street Address
140 EAST FRONT STREET PO BOX 087

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TRENTON

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NJ

Zip
08625-0087

Telephone Number
609-984-2830

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:
**Limited Brewery Special Ruling was issued 5/28/19 and implemented via Special License
Conditions effective 7/1/22.**

Have all the issues as to all the parties in this action, before the trial court or agency, been disposed? (There may not be any claims against any party in the trial court or agency, either in this or a consolidated action, which have not been disposed. These claims may include counterclaims, cross-claims, third-party claims, and applications for counsel fees.)

☒ Yes ☐ No

If outstanding claims remain open, has the order been properly certified as final pursuant to R. 4:42-2?

☐ Yes ☐ No ☒ N/A

A) If the order has been properly certified, attach copies of the order and the complaint and any other relevant pleadings to the order being appealed. Attach a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.

B) If the order has not been certified or has been improperly certified, leave to appeal must be sought. (See R. 2:2-4; 2:5-6.) Please note that an improperly certified order is not binding on the Appellate Division.

If claims remain open and/or the order has not been properly certified, you may want to consider filing a motion for leave to appeal or submitting an explanation as to why you believe the matter is final and appealable as of right.

Were any claims dismissed without prejudice?

☐ Yes ☒ No

(*) truncated due to space limit. Please find full information in the additional pages of the form.

Revised: 04/02/2016, CN 10501 (Appellate Civil CIS)

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If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(g)) ☒ Yes ☐ No

Give a Brief Statement of the Facts and Procedural History:

The Division of Alcoholic Beverage Control issued a Special Ruling in 2019 that created severe restrictions on the activities of licensed limited breweries. The Special Ruling proclaims to be an agency guidance document, but in effect it functions as a formal rule or regulation. The Special Ruling is now being enforced through Special License Conditions as of 7/1/22.

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:5-2(a)(6). (Appellant or cross-appellant only.):

The Special Ruling and Special License Conditions were created and are being enforced in violation of the New Jersey Administrative Procedure Act. In addition, the restriction within the Special Ruling and Special License Conditions of 25 advertised on-site special events per year violates Article I, paragraph 6 of the N.J. Constitution and the First Amendment to the U.S. Constitution.

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ ☐ Yes ☒ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☒ No
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? ☐ Yes ☒ No ☐ Unknown

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

Date of Your Inquiry:

1. Is there any appeal now pending or about to be brought before this court which:

- (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☒ No

If the answer to the question above is Yes, state:

Case Title

Trial Court Docket#

Party Name

2. Was there any prior appeal involving this case or controversy?

☐ Yes ☒ No

If the answer to question above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.)

Appellate Division Docket Number

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.

☐ Yes ☒ No

Explain your answer:

The issue in this case is whether the Special Ruling and Special License Conditions were validly enacted by the Div. of Alc. Bev. Control, and whether one specific provision

violates the N.J. and U.S. Constitutions. As both issues are questions of law, mediation would not be beneficial.

Whether or not an opinion is approved for publication in the official court report books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

DEATH OF THE FOX BREWING CO.

Name of Appellant or Respondent

JONATHAN MORGAN HOUGHTON, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

09/21/2022

Date

s/ **JONATHAN MORGAN**

HOUGHTON, Esq.

Signature of Counsel of Record
(or your signature if not represented by counsel)

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Email Address



New Jersey Judiciary
Superior Court - Appellate Division
CIVIL Case Information Statement

Additional appellants continued below

Additional respondents continued below

Additional parties continued below

Appellant's attorney email address continued below

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