

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

FLYING DOG BREWERY, LLC,

Plaintiff,

v.

THE NORTH CAROLINA ALCOHOLIC
BEVERAGE CONTROL COMMISSION,
ALEXANDER DUKE “ZANDER” GUY JR.,
NORMAN A. MITCHELL SR., KAREN L.
STOUT, TERRANCE L. MERRIWEATHER,

Defendants.

Case No. 5:21-cv-343

COMPLAINT

**Right of Free Speech
U.S. Const. Amend. I; 42 U.S.C. § 1983**

[JURY DEMANDED]

For its Complaint against Defendants, Plaintiff Flying Dog Brewery, LLC hereby alleges and complains as follows:

INTRODUCTION

Beer has always played an important role in America’s history and culture. George Washington was a brewer,¹ and the founding fathers celebrated finishing the final draft of our Constitution by drinking beer at a Philadelphia tavern.² Today, beer remains an important topic of the national conversation, such that even Supreme Court Justice Brett M. Kavanaugh shared his love of beer during his confirmation hearings before the Senate.³ ‘Having a beer together’ is so synonymous with speech and conversation in our country that when President Barrack Obama sought to ease racial tensions stemming from the mistaken arrest of Professor Henry Louis Gates Jr. by Sgt. James Crowley, a Cambridge, Massachusetts police officer, President Obama famously invited the two for beers in the White House Rose Garden.⁴

¹ See, e.g., “Beer & American History,” BEER INSTITUTE (accessed Aug. 5, 2021), <https://www.beerinstitute.org/news-media/additional-beer-resources/beer-american-history/>.

² See, e.g., Steve Hendrix, “The epic bender to celebrate George Washington and the newly finished U.S. Constitution,” WASHINGTON POST (Feb. 22, 2018), <https://www.washingtonpost.com/news/retropolis/wp/2018/02/22/the-epic-bender-to-celebrate-george-washington-and-the-newly-finished-constitution/>.

³ See *Confirmation Hearing on the Nomination of Hon. Brett M. Kavanaugh to be an Associate Justice of the Supreme Court of the United States Before the S. Comm. on the Judiciary*, 115th Cong. 704 (2018) (Statement of Hon. Brett M. Kavanaugh, Nominee to Serve as an Associate Justice of the Supreme Court of the United States).

⁴ Helene Cooper and Abby Goodnough, “Over Beers, No Apologies, but Plans to Have Lunch,” NEW YORK TIMES (Jul. 30, 2009), <https://www.nytimes.com/2009/07/31/us/politics/31obama.html>

Facilitating such conversation is a cornerstone of Plaintiff Flying Dog Brewery’s mission. Through its “Gonzo”-inspired label designs, Flying Dog Brewery communicates with its customers and draws them into conversation. However, the North Carolina Alcoholic Beverage Control Commission has disrupted this speech by censoring the label of Flying Dog Brewery’s Freezin’ Season Winter Ale. The Alcoholic Beverage Control Commission’s actions are an affront to Flying Dog Brewery’s rights under the First Amendment and must not stand. Additionally, the First Amendment violation is so stark and so obvious, despite the clearly established nature of Flying Dog Brewery’s rights, that qualified immunity does not apply.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1343, 2201, 2202, and 42 U.S.C. § 1983.
2. This Court has personal jurisdiction over the Defendants under Fed. R. Civ. P. 4(k) and N.C. Gen. Stat. § 1-75.4.
3. Venue lies in this Court pursuant to 28 U.S.C. § 1391.

THE PARTIES

4. Plaintiff Flying Dog Brewery, LLC (“Flying Dog Brewery”) is a limited liability company, organized under the laws of the State of Delaware with its headquarters in Frederick, Maryland and its principal place of business in Frederick, Maryland. Flying Dog Brewery creates and sells craft beers and is one of the top-50 craft beer companies in the United States. Annually, it ships over 1.3 million cases of beer worldwide to its network of wholesalers, who in turn distribute Flying Dog Brewery beers to its corporate customers in the retail, bar, and restaurant businesses.

5. Defendant North Carolina Alcoholic Beverage Control Commission (the “ABC Commission”) is the entity created by the State of North Carolina to enforce the state’s laws regulating the sale of alcoholic beverages.

6. Defendant Alexander Duke “Zander” Guy, Jr., an individual, is the Chairman of the ABC Commission. Guy is presently enforcing the laws, customs, practices, and policies complained of in this action. Guy is sued in both his official and individual capacities.

7. Defendant Norman A. Mitchell, Sr., an individual, is a member of the ABC Commission. Mitchell is presently enforcing the laws, customs, practices, and policies complained of in this action. Mitchell is sued in both his official and individual capacities.

8. Defendant Karen L. Stout, an individual, is a member of the ABC Commission. Stout is presently enforcing the laws, customs, practices, and policies complained of in this action. Stout is sued in both her official and individual capacities.

9. Defendant Terrance L. Merriweather, an individual, is a member of the ABC Commission. Merriweather is presently enforcing the laws, customs, practices, and policies complained of in this action. Merriweather is sued in both his official and individual capacities.

STATEMENT OF RELEVANT FACTS

Flying Dog Brewery and Ralph Steadman

10. Flying Dog Brewery takes its name from a painting of what appeared to be a flying dog hanging in a Pakistani hotel, which brewery founder George Stranahan stayed at after a Himalayan climbing expedition. Appreciating the artwork’s can-do spirit, Stranahan later adopted this mascot and moniker for his brewery because it represents the idea that “it is amazing what you can achieve if nobody tells you that you can’t.”

11. Stranahan and Flying Dog Brewery were influenced by Stranahan’s longtime friend and neighbor, the iconoclastic journalist and literary figure Hunter S. Thompson. Flying Dog Brewery’s identity, and that of its products, is inextricably imbued with and promotes the irreverent “Gonzo” spirit and outlook for which Thompson is noted.

12. Thompson often collaborated with the artist Ralph Steadman, most notably on their book “Fear and Loathing in Las Vegas,” to which Steadman contributed illustration. Steadman is renowned for expressing social and political commentary through his art. Steadman has won numerous awards, including the Francis Williams Book Illustration Award for “Alice in Wonderland,” the American Society of Illustrators’ Certificate of Merit, the WH Smith Illustration Award for “I Leonardo,” the Dutch Silver Paintbrush Award for “Inspector Mouse,” the Italian Critica in Erba Prize for “That’s My Dad,” the BBC Design Award for postage stamps, the Black Humour Award in

France, and several Designers and Art Directors Association Awards. He was voted Illustrator of the Year by the American Institute of Graphic Arts in 1979. As well as writing and illustrating his own books and Thompson's, Steadman has worked with writers including Ted Hughes, Adrian Mitchell, and Brian Patten, and also illustrated editions of "Treasure Island," "Animal Farm," and "Fahrenheit 451." Steadman illustrated Will Self's column in the British Independent newspaper and also wrote for Kotori Magazine. Steadman's work has appeared in the New York Times, the Daily Telegraph, Rolling Stone, Punch, and Private Eye.

13. Thompson introduced Flying Dog Brewery to Steadman, and 25 years ago, Plaintiff began a partnership under which Steadman produces, under license, illustration for Flying Dog Brewery's corporate imaging. Steadman's illustrations grace the labels of Flying Dog Brewery's beers and beer packaging and are also sold and otherwise distributed by Flying Dog Brewery on other merchandise, including posters and clothing.

14. Appreciation of art, both the art of beer-craft and the visual arts, lies at the core of Flying Dog Brewery's philosophy. As Stranahan has noted, "Art is our first language and we like and agree with what Ralph Steadman chooses to say through his art on our labels; that this is a wonderful world on a wacky path." The dogs depicted on Flying Dog Brewery's labels "are a reflection of the people we strive to be, carefree and spontaneous, rough around the edges but with real charm."

15. Flying Dog Brewery's beers include Chesapeake Wheat American Wheat Ale, Vicious Hook Fruit Punch Sour, Raging Bitch Belgian IPA, Thunderpeel Hazy IPA, Snake Dog IPA, Gonzo Imperial Porter, Bloodline Blood Orange Ales, and Deep Fake, a non-alcoholic beer.

16. One of Flying Dog Brewery’s beers is a winter ale called Freezin’ Season. The beer’s label contains the silhouette of a cartoon figure standing next to a campfire, along with a narrative description, as depicted below:



The Regulatory Framework

17. In the State of North Carolina, the ABC Commission is tasked with providing uniform control over the sale, purchase, transportation, manufacture, consumption, and possession of all alcoholic beverages in the state. It is an independent state agency housed in the North Carolina Department of Public Safety with a direct report to the Governor’s office.

18. The members of the ABC Commission meet monthly to hear and take action on permit violations, requests for approval of new ABC store locations, and other matters within its regulatory authority.

19. North Carolina’s ABC laws are found in Chapter 18B of the North Carolina General Statutes, and the ABC Commission’s Rules are found in Title 14B, Chapter 15 of the North Carolina Administrative Code.

20. The ABC Commission has the authority to regulate the advertising of alcoholic beverages, including the ability to “prohibit or regulate any advertising of alcoholic beverages which

is contrary to the public interest.” NCGS § 18B-105(b)(11). No one is permitted to advertise alcoholic beverages in the State of North Carolina without complying with the rules of the ABC Commission. *See* NCGS § 18B-105(a).

21. There are administrative penalties for not complying with the ABC Commissions’ guidelines, including suspensions of permits for up to three years, revocation of a permit, and fines of up to \$5,000. *See* NCGS § 18B-104(a).

22. Among the tasks assigned to the ABC Commission is determining whether an advertisement or product label on any alcoholic beverage sold or distributed in North Carolina is appropriate. *See* 14B NCAC 15B.1003. That regulation operates as an unlawful prior restraint because it provides, in pertinent part: “An advertisement or product label on any alcoholic product sold or distributed in this State shall not contain any statement, design, device, or representation that depicts the use of alcoholic beverages in a scene that is determined by the Commission to be **undignified, immodest, or in bad taste.**” *See* 14B NCAC 15B.1003(a)(2) (emphasis added).

23. This regulation, on its face, clearly violates the First Amendment to the United States Constitution. There is a prior restraint before any individual or entity can engage in this kind of commercial speech in the State of North Carolina, and that prior restraint is not lifted until the government decides that the label meets its level of “dignity,” “modesty,” or “good taste.” To whatever extent the regulation could be mistakenly considered to be constitutional, the application of it against Plaintiff, beyond a shadow of a doubt to even a layperson, was contrary to the First Amendment.

The Present Dispute

24. On or about July 16, 2021, Flying Dog Brewery, sent various samples of beer labels and keg collars to the ABC Commission.

25. Among the labels and keg collars submitted was the aforementioned label for Freezin’ Season Winter Ale.

26. On July 23, 2021, Cindy Mesino, an ABC Commission employee, sent an email to Flying Dog Brewery, informing it that the ABC Commission, and the individual commissioner Defendants named herein, did not approve the label for the twelve ounce Freezin’ Season bottle.

27. When Flying Dog Brewery asked why the label was not approved, Ms. Mesino cited the regulation, highlighting “bad taste” in yellow. She acknowledged that the aforementioned regulation caused the commissioners to reject the label and stated “[a]s you can see the image below is seen as inappropriate to many here.”

28. Flying Dog Brewery would advertise and make commitments to sell Freezin’ Season in North Carolina but refrains from doing so because it reasonably fears that doing so would damage its ability to sell its other present and future beers in North Carolina.

29. Flying Dog Brewery’s inability to advertise and commit to sell Freezin’ Season in North Carolina has damaged Flying Dog Brewery by unlawfully depriving it of its right to free expression and costing it significant sales of Freezin’ Season beer and ancillary Freezin’ Season products, as well as generally damaging Flying Dog Brewery’s goodwill in North Carolina and thus hurting the sales of Flying Dog Brewery’s other beers and products that may legally be sold in North Carolina.

30. Defendants’ actions have caused more damage to Flying Dog Brewery than just deprivation of its Constitutional rights and lost sales for 2021. If Flying Dog Brewery cannot sell Freezin’ Season in North Carolina in 2021, it risks losing hard-won shelf placements for all of its seasonal offerings. Seasonal beers rotate through liquor stores. If Flying Dog Brewery does not have a winter ale offering to follow its summer and fall seasonals, retailers will put another, non-Flying Dog Brewery beer in its place. If that happens, it is likely that Flying Dog Brewery will not get that shelf space back for its subsequent seasonal offerings. Further, its expressive content will never be able to reach this years’ customers affixed to its product.

31. Finally, Defendants may argue that they have permitted sales of Freezin’ Season on draft. However, that does not change that prohibition of sales of bottles is infringing upon Flying Dog Brewery’s First Amendment rights, the deprivation of which always constitutes irreparable harm. For the product is far more than the mere liquid – but the artistic and social expression that Flying Dog Brewery provides with its beer, when sold in bottle form. Moreover, bottle sales make up more

than 90% of Flying Dog Brewery’s business. Flying Dog Brewery’s sales velocity is almost entirely dependent upon its brand presence and availability in retail outlets.

32. Given that Flying Dog Brewery relies so heavily upon retail sales, the design of its labels is particularly important to entice customers into buying its beer and to express its corporate speech to its customers and potential customers alike. Currently, the label for Freezin’ Season Winter Ale has received a Certificate of Label Approval from the Alcohol and Tobacco Tax and Trade Bureau, which is part of the U.S. Department of the Treasury, and approval from every state within its distribution network with one exception: North Carolina.

33. If Defendants’ deprivation of Flying Dog Brewery’s First Amendment rights is permitted to stand, it will irreparably damage the goodwill that the brewery has built with its distribution partners and chain retail buyers in the State of North Carolina.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Right of Free Speech – U.S. Const. Amend. I; 42 U.S.C. § 1983

34. Plaintiff Flying Dog Brewery incorporates each and every preceding paragraph as though set forth fully herein.

35. Flying Dog Brewery’s label for Freezin’ Season beer constitutes expression protected by the First Amendment to the United States Constitution.

36. 14B NCAC 15B.1003(a)(2) is invalid on its face as an unconstitutional prior restraint on protected expression.⁵

37. 14B NCAC 15B.1003(a)(2) is invalid on its face as inherently vague and ambiguous, implicating due process and speech concerns.

38. 14B NCAC 15B.1003(a)(2) is invalid as applied to bar the advertisement and sale of Freezin’ Season, as Defendants lack any valid interest justifying censorship of the Freezin’ Season label.

⁵ The Supreme Court has roundly rejected prior restraint. *See Kinney v. Barnes*, 57 Tex. Sup. J. 1428 at n.7, (Tex. 2014) (citing SOBCHAK, W., THE BIG LEBOWSKI, 1998).

39. The application of the regulation in this circumstance was so blatantly obviously unconstitutional that no reasonable person could have thought otherwise.

40. Defendants' interruption and prevention of Flying Dog Brewery's advertisement and sale of Freezin' Season, under color of state law, violates Flying Dog Brewery's rights under the First Amendment to the U.S. Constitution, causing Flying Dog Brewery significant damages.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

NOTICE OF CONSTITUTIONAL QUESTION

Pursuant to Fed. R. Civ. P. 5.1, Plaintiff gives notice that this pleading draws into question the constitutionality of 14B NCAC 15B.1003(a)(2), a statute of the State of North Carolina. Notice of the constitutional challenge will be given promptly pursuant to Fed. R. Civ. P. 5.1(a)(2).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Flying Dog Brewery, LLC requests that judgment be entered in its favor and against Defendants as follows:

- A. Temporary, preliminary and permanent injunctive relief barring Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction from enforcing 14B NCAC 15B.1003(a)(2) against the sale of Freezin' Season beer;
- B. Declaratory relief consistent with the injunction, including specifically, declaratory relief to the effect that 14B NCAC 15B.1003(a)(2) is unconstitutional;
- C. An order mandating Defendants' issuance of a sales license in North Carolina to Flying Dog Brewery for Freezin' Season beer;
- D. Against Defendants Guy, Mitchell, Stout, and Merriweather, compensatory damages in an amount according to proof at trial;
- E. Attorneys' fees and expenses pursuant to 42 U.S.C. § 1988;
- F. Ordinary taxable costs of suit; and
- G. Any further relief as the Court deems just and appropriate.

Dated: August 26, 2021.

Respectfully Submitted,

/s/ T. Greg Doucette

T. Greg Doucette

THE LAW OFFICES OF T. GREG DOUCETTE, PLLC

311 E Main Street

Durham, North Carolina 27701

Tel: (919) 998-6993

Email: greg@tgdllaw.com

W. Michael Boyer

CAROLINA CRAFT LEGAL

6502 Birkdale Drive

Greensboro, North Carolina 27410

Tel: (336) 944-2132

Email: michael@carolinacraftlegal.com

Marc J. Randazza (*pro hac vice* forthcoming)

RANDAZZA LEGAL GROUP, PLLC

2764 Lake Sahara Drive, Suite 109

Las Vegas, Nevada 89117

Tel: (702) 420-2001

Email: ecf@randazza.com

Attorneys for Plaintiff

Flying Dog Brewery, LLLP

UNITED STATES DISTRICT COURT

for the

_____ District of _____

)	
)	
)	
)	
_____)	
<i>Plaintiff(s)</i>)	
v.)	Civil Action No. _____
)	
)	
)	
_____)	
<i>Defendant(s)</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
)	
)	
)	
)	
<i>Plaintiff(s)</i>)	
v.)	Civil Action No.
)	
)	
)	
)	
)	
_____)	
<i>Defendant(s)</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ JUDGE _____ JUDGE _____ JUDGE _____

Civil Cover Sheet Attachment

Section I.(c): Attorneys (*Firm Name, Address, and Telephone Number*)

RANDAZZA LEGAL GROUP
2764 Lake Sahara Drive #109
Las Vegas NV, 89117
Phone: (702) 420-2001
Special Appearance Forthcoming

CAROLINA CRAFT LEGAL
6502 Birkdale Drive
Greensboro, North Carolina 27410
Tel: (336) 944-2132

THE LAW OFFICES OF T. GREG DOUCETTE PLLC
311 E. Main Street
Durham, North Carolina 27701-3717
Phone: (919) 998-6993
Local Counsel

Section I: Defendants

North Carolina Alcoholic Beverage Control Commission
Alexander Duke "Zander" Guy Jr.
Norman A. Mitchell Sr.
Karen L. Stout
Terrance L. Merriweather