IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ALEXIS BAILLY VINEYARD, INC., a Minnesota Corporation, and THE NEXT CHAPTER WINERY, LLC a Minnesota Limited Liability Company, Plaintiffs, v. MONA DOHMAN, in her official capacity as Commissioner of the Minnesota Department of Public Safety, Defendant.	No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Alexis Bailly Vineyard, Inc. and The Next Chapter Winery, LLC, by and through their undersigned counsel, hereby file this Complaint for Declaratory and Injunctive Relief and sue Commissioner of the Minnesota Department of Public Safety Mona Dohman, in her official capacity, as follows:

INTRODUCTION

1. This civil rights action seeks to vindicate the constitutional rights of Minnesota farm wineries to engage in interstate and foreign commerce. Minnesota does not require farm wineries to grow their own grapes or fruit—nor does it require farm wineries to produce their own raw materials such as unfermented juices and honey. However, Minnesota requires farm wineries to produce their wine with a majority of raw materials that are grown or produced in the state. Defendant's enforcement of this arbitrary and protectionist mandate prevents farm wineries from purchasing grapes, fruit, unfermented juices, and honey from other states and regions of the

world. The state's severe restriction on farm wineries' right to engage in commerce outside of Minnesota limits the varieties of wines that they can blend and offer to consumers, harming their businesses and hampering a market of locally produced wines that the public enjoys. This discrimination is a violation of the Domestic Commerce Clause, Foreign Commerce Clause, and Import-Export Clause of the United States Constitution, which guarantee a national market free from state protectionism and which prevent states from discriminating against foreign commerce.

THE PARTIES

2. Plaintiff Alexis Bailly Vineyard, Inc. ("Alexis Bailly Vineyard") is a Minnesota Corporation and farm winery located in Hastings, Minnesota.

3. Plaintiff The Next Chapter Winery, LLC ("Next Chapter Winery") is a Minnesota Limited Liability Company and farm winery located in New Prague, Minnesota.

4. Defendant Mona Dohman is the Commissioner of the Minnesota Department of Public Safety. Commissioner Dohman has direct authority over the Minnesota Department of Public Safety personnel and is charged with enforcing Minnesota laws and regulations governing farm wineries. She is being sued only in her official capacity.

JURISDICTION AND VENUE

5. This case is brought under 28 U.S.C. § 2201 and 42 U.S.C. §§ 1983 and 1988.

6. Subject-matter jurisdiction is based on 28 U.S.C. §§ 1331 and 1343(a)(1), (3) and (4).

7. Venue is appropriate in this District under 28 U.S.C. § 1391(b) because Defendant resides in the state and in this District and a substantial part of the events giving rise to Plaintiffs' claims occurred in this District.

FACTS

The Plaintiffs' Interstate Commercial Activities

Plaintiff Alexis Bailly Vineyard

8. Alexis Bailly Vineyard is a Minnesota-licensed farm winery in Hastings, Minnesota.

9. Alexis Bailly Vineyard is owned and operated by Nan Bailly ("Nan").

10. In 1973, Nan's father, David Bailly, planted one of the first vineyards in Minnesota with his eyes set on making wine in his home state. By 1978, Alexis Bailly Vineyard released the first wines to be produced commercially with only Minnesota grapes.

11. Nan has continued her father's legacy and produces a variety of Minnesota wines. Nan grows different varieties of grapes at Alexis Bailly Vineyard, including French and Northern-climate varieties. She blends these grapes with grapes and juices from Minnesota and from other states.

12. Nan operates Alexis Bailly Vineyard under the state's mandate that a majority of the materials she uses to make her wine be grown in Minnesota. *See* Minn. Stat. § 340A.101, subd. 11, Minn. Stat. § 340A.315, subd. 4 (the "in-state mandate").

13. In years past, Nan has been unable to grow enough grapes in her vineyard to comply with this requirement, and she has been forced to purchase grapes from Minnesota grape growers. Nan has paid more for these grapes than she has paid for grapes from outside the state, and she has been disappointed in the quality of these grapes. She has had to purchase these grapes even when she has had no desire to use them.

14. In addition to purchasing Minnesota-grown grapes, Nan has also purchased grapes and juices from other states, including California and New York.

15. Nan uses these out-of-state grapes and juices to improve the flavor of her Minnesota wine and to expand the varieties of wines she offers to customers. Some of these grapes also allow Nan to continue making Northern-climate wines when Minnesota-grown grapes are not available in sufficient quantities.

16. Using juices from outside Minnesota, Nan is able to naturally cut the acidity in her wines that are produced with Minnesota grapes and to enhance her wines' flavors—flavors that cannot be attained by primarily using Minnesota-grown grapes.

17. When Nan has been unable to grow or purchase enough Minnesota grapes to satisfy the in-state mandate, she has had to seek an exemption from the state.

18. Under Minn. Stat. § 340A.315, subd. 4 of the Minnesota Farm Wineries Act, if a farm winery cannot obtain a majority of Minnesota products because "quantities sufficient" are unavailable, a farm winery may submit an affidavit to Defendant, attesting to that fact and seeking a one-year exemption from the in-state mandate. Minn. Stat. § 340A.315, subd. 4. Defendant, however, can only grant this exemption if she determines the facts in the affidavit to be true. *Id.*

19. In 2005, 2007, 2009, 2010 and 2014, Alexis Bailly Vineyard experienced significant crop loss due to harsh weather conditions and was unable to find enough Minnesota-grown grapes to satisfy the in-state mandate. Each of these years, Nan petitioned Defendant for a one-year exemption from the state's restriction, and Defendant granted the exemption.

20. When Nan has obtained these temporary exemptions, Nan has purchased greater quantities of out-of-state grapes and juices to source her wine. For example, Nan has purchased juices from California and has found that these juices improve the flavor of her wine.

21. In these years, Nan has blended and sold greater varieties of wines with interstate grapes and juices than she has sold under Minnesota's in-state mandate.

22. Nan intends to continue purchasing grapes and juices from other states in the future and would like to purchase more of these products. She would also like to purchase international juices and would use these products to expand her winemaking.

23. She would like to make wine without having to worry about whether Alexis Bailly Vineyard is in compliance with this arbitrary in-state mandate.

24. If she did not have to operate her business under the in-state mandate, she would purchase grapes and juices from other states and countries without regard to whether sufficient quantities of Minnesota grapes are available either from her own vineyard or elsewhere in the state.

25. Absent Minnesota's in-state mandate, she would purchase more grapes, juices and other raw materials from other states and regions of the world, and she would use these materials to expand Alexis Bailly Vineyard's offerings to the public.

Plaintiff Next Chapter Winery

26. Next Chapter Winery is a vineyard and state-licensed farm winery located in New Prague, Minnesota.

27. Next Chapter Winery is owned and operated by Timothy and Therese Tulloch ("the Tullochs").

28. When the Tullochs were engaged to be married, they dreamed of one day starting their own vineyard. Their dream was realized in 2007, when they planted 3,700 Northern-climate, cold-hardy grape varieties on their New Prague farm.

29. For the first few years after planting their vineyard, the Tullochs focused primarily on nurturing and growing their young grapevines. They also sold grapes and grape juices and offered agritourist experiences at the vineyard, such as tickets to help prune their grapevines and harvest their grapes.

30. In 2014, the Tullochs opened Next Chapter Winery at their vineyard.

31. The Tullochs have primarily focused on blending and aging wines using grapes grown in their vineyard. They blend their wine on-site and use old-world techniques such as barrel aging and grape stomping.

32. In addition to sourcing their wines with their own grapes, they also enjoy blending wines with grapes and juices from other states.

33. Since they first opened their farm winery, they have struggled to source their wine with a majority of Minnesota-grown grapes and juices. Each year, they have experienced crop loss and have had to find and purchase Minnesota-grown grapes to try to comply with the in-state mandate. These grapes have been more expensive than the grapes that they have purchased

from other states. These grapes are also Northern-climate grapes, which tend to produce an acidic wine that is not suitable for all of their winemaking purposes.

34. When they have been unable to satisfy the in-state mandate with their own grapes and with purchased Minnesota grapes, they have had to prepare and submit affidavits to Defendant seeking an exemption from the in-state mandate.

35. For example, in 2014 and 2016, they suffered significant crop loss and were unable to purchase sufficient quantities of Minnesota-grown grapes to satisfy Minnesota's in-state mandate. Timothy submitted affidavits both years and obtained one-year exemptions from Defendant. Under these exemptions, Next Chapter Winery has purchased greater quantities of out-of-state grapes and juices, including grapes from California.

36. Both years, Next Chapter Winery has sold greater varieties of wines than it has sold under Minnesota's in-state mandate.

37. The use of out-of-state grapes allows Timothy to add complexity and depth to his Minnesota wines. For example, by blending out-of-state grapes and juices with his own grapes, Timothy has produced merlot, cabernet sauvignon and sauvignon blanc varieties with Minnesota grapes. He would not be able to produce these varieties using a majority of Minnesota-grown grapes and other raw materials.

38. The Tullochs have purchased and intend to continue purchasing grapes from other states. They also would like to purchase grapes and juices from other countries.

39. When the Tullochs use interstate grapes and other raw materials, they can enhance their wines' flavors and create new varieties of wines. This freedom allows Next Chapter Winery to offer greater varieties of wines to its customers.

40. The Tullochs would like to purchase more grapes and raw materials from outside Minnesota in the future.

41. They would also like to make wine without having to worry about the in-state mandate's arbitrary restriction on the geographic origin of the products they use.

42. The Tullochs would like to purchase grapes and juices from other states and countries without regard to whether sufficient quantities of Minnesota grapes are available either from their own vineyard or elsewhere in the state.

43. If Next Chapter Winery did not have to operate under Minnesota's in-state mandate, it would purchase more grapes, juices and other raw materials from other states and regions of the world, and it would use these materials to expand its winemaking and its wine offerings to the public.

Minnesota's Protectionist Restriction on Farm Wineries

44. The Minnesota Farm Wineries Act governs farm wineries in the state. *See* Minn. Stat. § 340A.315.

45. To operate a farm winery in Minnesota, the act requires the owner or operator of the winery to first obtain a farm winery license from Defendant. *Id.* at subd. 1. Licenses may be issued and renewed for an annual fee of $50. *Id.*

46. The Minnesota Farm Wineries Act imposes certain restrictions on farm wineries.

47. For example, farm wineries can only operate on land "under an agricultural classification, zone, or conditional use permit." *Id.* at subd. 9. However, farm wineries in operation before March 1, 2012 are exempted from this restriction. *Id.*

48. Farm wineries are also limited in the quantity of wine they can sell. Under the Minnesota Farm Wineries Act, farm wineries cannot sell more than 75,000 gallons of wine per year. *Id.* at subd. 2.

49. Additionally, farm wineries cannot use more than 10 percent of bulk wine (finished, but unlabeled, wine) in their annual production. Minn. Stat. § 340A.315, subd. 8 (1).

50. Under these restrictions, a Minnesota farm winery may sell on-site "table, sparkling or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots." *Id.* at subd. 2.

51. They may also sell "glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items," and they may dispense free samples of the wines they offer for sale. *Id.*

52. There is no requirement in Minnesota law that farm wineries grow their own grapes or any other raw materials they use to make their wine. *See* Minn. Stat. § 340A.315.

53. A farm winery, therefore, could legally have a farm that grows no grapes or fruit and produces no wine-making materials such as honey. But under the law, it could still make wine and sell it to the public.

54. However, the wine that farm wineries make must be produced with a majority of "Minnesota-produced or -grown grapes, grape juice, other fruit bases, or honey." *Id.* at subd. 4, *see also* Minn. Stat. § 340A.101, subd. 11 (defining "farm winery" as a winery "producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases or honey with a majority of the ingredients grown or produced in Minnesota").

55. Thus, more than 50% of a farm winery's wine must be made with Minnesota products.

56. This in-state mandate was first adopted in 1980 and mirrors a restriction on Minnesota-licensed manufacturers of wine. Like Minnesota farm wineries, licensed manufacturers of wine also suffer under an in-state source restriction and may sell their wine at off-sale (off the winery's premises for consumption) or on-sale (on the winery's premises for consumption) without an additional license if at least 51% of the wine is made from Minnesota-grown agricultural products. Minn. Stat. § 340A.301, subd. 10. *See* H.F. No. 2837, 47th Minn. Leg., Reg. Sess. (Minn. 1974).

57. If a farm winery cannot satisfy the in-state mandate because not enough Minnesota products are available, the Minnesota Farm Wineries Act sets forth a process by which a farm winery may seek a temporary exemption from this restriction. Minn. Stat. § 340A.301, subd. 4.

58. Under this provision, "If Minnesota-produced or -grown grapes, grape juice, other fruit bases, or honey is not available in quantities sufficient to constitute a majority of the table, sparkling, or fortified wine produced by a farm winery, the holder of the farm winery license may file an affidavit stating this fact with the commissioner." *Id.*

59. If Defendant "after consultation with the commissioner of agriculture, determines this to be true, the farm winery may use imported products and shall continue to be governed by the provisions of [the Minnesota Farm Wineries Act]." *Id.* The affidavit filed under this provision is valid for a period of one year. *Id.*

60. Upon expiration of the affidavit, the farm winery must file a new affidavit with Defendant if it is unable to satisfy Minnesota's in-state mandate.

61. In years past, Defendant has granted exemptions to farm wineries under Minn. Stat. § 340A.315, subd. 4 after consultation with the state's Commissioner of Agriculture.

62. However, each year there is no guarantee an exemption will be granted, and farm wineries must search for Minnesota grapes and prepare and submit these affidavits year after year.

Winegrowing in Minnesota

63. Although Minnesota first passed its farm winery license requirement in 1980, farm wineries are a relatively recent phenomenon in Minnesota.

64. The rise in farm wineries has corresponded with the advent of Northern-climate, cold-hardy grapes.

65. Yet Minnesota's harsh climate continues to pose significant challenges to growing wine-producing grapes in the state and impedes farm wineries' ability to harvest wine-producing grapes.

66. Extreme cold and late-Spring frosts can lead to significant crop damage and even total crop loss.

67. Many farm wineries in Minnesota lose at least a portion of their crop each year, including Northern-climate, cold-hardy grapes.

68. Minnesota-grown grapes are also highly acidic and tend to produce an acidic wine that is not suitable for all winemaking purposes. To make Minnesota wines more palatable to consumers, farm wineries often blend Minnesota wines with less-acidic grapes from warmer regions.

69. Some varieties of wines cannot be made with a majority of Minnesota grapes, juices, fruit bases or honey.

70. Minnesota's restriction on the geographic origin of the materials farm wineries may use severely limits their ability to reliably produce wines, to expand their offerings to the

public and to grow. The current and future success of this market in locally produced wine depends on farm wineries' ability to import grapes, juices and raw materials from other states and countries.

HARM TO PLAINTIFFS

71. The allegations contained in paragraphs 1–70 are incorporated by reference as if fully set forth herein.

72. Defendant's enforcement of Minnesota's in-state mandate violates Plaintiffs' right to engage in interstate and foreign commerce.

Harm to Plaintiff Alexis Bailly Vineyard

73. Defendant's enforcement of the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 has caused and will continue to cause real, substantial and irreparable harm to Alexis Bailly Vineyard.

74. Defendant's enforcement of these provisions makes it illegal for Alexis Bailly Vineyard to produce its wine with more than 50% of grapes, fruit, juices or other raw materials from other states and countries.

75. Alexis Bailly Vineyard has had to expend resources complying with this mandate. Compliance requires monitoring the percentage of Minnesota products the winery is using as well as searching for Minnesota-grown grapes and other products to satisfy this mandate when it is unable to use its own grapes.

76. Alexis Bailly Vineyard has also paid more for in-state grapes than it has paid for out-of-state grapes.

77. Alexis Bailly Vineyard has been forced to purchase Minnesota grapes that it would not have purchased but for the in-state mandate.

78. Nan has had to spend time and resources preparing and submitting affidavits to Defendant requesting one-year exemptions from Minnesota's in-state mandate.

79. The uncertainty of whether Nan will secure enough Minnesota-grown grapes each year to satisfy the in-state mandate interferes with her ability to effectively plan for and operate her business. It further interferes with her ability to secure the materials she needs to reliably produce wine and sell it to the public.

80. Alexis Bailly Vineyard would like to offer greater varieties of wines to its customers, but it is unable to do so while operating under the in-state mandate.

81. Defendant's enforcement of Minnesota's in-state mandate prevents Alexis Bailly Vineyard from expanding its wine offerings to the public and from growing its business.

Harm to Plaintiff Next Chapter Winery

82. Defendant's enforcement of Minnesota's in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 has caused and will continue to cause real, substantial and irreparable harm to Next Chapter Winery.

83. Defendant's enforcement of these provisions makes it illegal for Next Chapter Winery to produce its wine with more than 50% of grapes, fruit, juices or honey from other states and countries.

84. Every year, Next Chapter Winery expends resources complying with Minnesota's in-state mandate. Compliance requires monitoring the percentage of Minnesota products it is using—as well as searching for Minnesota-grown grapes and other products to satisfy this mandate when it is unable to use its own grapes.

85. The Tullochs have had to spend time and resources preparing and submitting affidavits documenting Next Chapter Winery's crop loss and seeking one-year exemptions from Defendant.

86. The uncertainty of whether the Tullochs will be able to find enough Minnesota-grown grapes each year to satisfy the in-state mandate interferes with their ability to effectively plan for and operate their business. It further interferes with their ability to secure the materials they need to reliably produce wine and sell it to the public.

87. In their efforts to comply with Minnesota's in-state mandate, Next Chapter Winery has paid a premium for Minnesota-grown grapes and products.

88. Next Chapter Winery has also been forced to purchase Minnesota-grown grapes that it would not have purchased but for the in-state mandate.

89. Defendant's enforcement of this mandate severely limits Next Chapter Winery's ability to access the raw materials it needs to blend and produce its wines. It also restricts the varieties and quality of wines it can offer to consumers.

90. But for Defendant's enforcement of Minnesota's in-state mandate, Next Chapter Winery would expand its offerings of wines to its customers, better tailor its wines to its customers' interests and tastes and grow its business.

91. Next Chapter Winery is eager to expand its wine offerings to its customers, but it is unable to do so under Minnesota's in-state mandate.

92. Minnesota's restriction on the geographic origin of the raw materials Next Chapter Winery may purchase and use in its winemaking process threatens the current and future success of its business.

CONSTITUTIONAL VIOLATIONS

Count 1: Dormant Commerce Clause

93. The allegations contained in paragraphs 1–92 are incorporated by reference as if fully set forth herein.

94. Article I, Section 8, Clause 3 of the United States Constitution is known as the Commerce Clause. The Clause grants to Congress the power "to regulate Commerce . . . among the several States." It is not only a positive grant of power to Congress but also a negative constraint on states' ability to restrict trade, which is known as the "dormant" Commerce Clause. Strictly speaking, it is the dormant "Domestic Commerce Clause," as Article I, Section 8, Clause 3 also contains grants of power to Congress over foreign commerce and commerce with the Indian tribes.

95. Defendant's enforcement of the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 restricts the thriving interstate market in grapes, fruit, juices, honey and other raw materials used to produce wine.

96. The in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 discriminates facially, in purpose, and in effect against interstate commerce by requiring that the majority of farm wineries' grapes and other raw materials used to produce wine be grown or produced in Minnesota. In so doing, this provision does not serve a compelling or legitimate local purpose that could not be served as well by available nondiscriminatory means.

97. The in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. §340A.315, subd. 4 places a burden on interstate commerce that is clearly excessive in relation to the putative local benefits

98. Defendant is violating Plaintiffs' clearly-established rights to engage in interstate commerce. Absent a declaration of Plaintiffs' constitutional rights, Defendant will continue to violate Plaintiffs' rights.

99. Unless the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 of the Minnesota Farm Wineries Act is declared unconstitutional and Defendant's employees, agents, representatives and successors are enjoined from enforcing this provision, Plaintiffs are in imminent danger of suffering and continuing to suffer irreparable harm.

100. For reasons including but not limited to those stated in this Complaint, the Plaintiffs have no other adequate legal or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights.

Count II: Dormant Foreign Commerce Clause

101. The allegations contained in paragraphs 1–100 are incorporated by reference as if fully set forth herein.

102. Article I, Section 8, Clause 3 of the United States Constitution also contains what is known as the Foreign Commerce Clause. The Clause grants to Congress the power "to regulate Commerce with foreign Nations." It is not only a positive grant of power to Congress but also a negative constraint on states' ability to restrict foreign commerce, which is known as the "dormant" Foreign Commerce Clause.

103. The scope of Congress's power to regulate foreign commerce and to accordingly limit the power of states in this area is even greater than its power to regulate interstate commerce.

104. Defendant's enforcement of the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 restricts the thriving international market in grapes, fruit, juices, honey and other raw materials used to produce wine.

105. The in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 discriminates facially, in purpose, and in effect against foreign commerce by requiring that the majority of grapes and other raw materials that Plaintiffs use to make their wine be grown or produced in Minnesota. In doing so, this provision does not serve a compelling or legitimate government interest.

106. By restricting the international trade of grapes and other raw materials that Plaintiffs and other farm wineries may use to make their wine, the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 unduly burdens foreign commerce and undermines the federal government's ability to speak with one voice in regulating commercial affairs with foreign countries.

107. Defendant is violating Plaintiffs' clearly-established rights to engage in foreign commerce. Absent a declaration of Plaintiffs' constitutional rights, Defendant will continue to violate Plaintiffs' rights.

108. Unless the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 is declared unconstitutional and Defendant's employees, agents, representatives and successors are enjoined from enforcing this provision, Plaintiffs are in imminent danger of suffering and continuing to suffer irreparable harm.

109. For reasons including but not limited to those stated in this Complaint, the Plaintiffs have no other adequate legal or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights.

Count III: Import-Export Clause

110. The allegations contained in paragraphs 1–109 are incorporated by reference as if fully set forth herein.

111. Article I, Section 10, Clause 2 of the United States Constitution is known as the Import-Export Clause. The Clause prohibits states from "lay[ing] any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws."

112. The Import-Export Clause constrains states' ability to erect barriers to interstate and foreign trade.

113. Defendant's enforcement of the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 erects a barrier to interstate and foreign commerce by requiring that the majority of grapes and other raw materials Plaintiffs and other farm wineries use to produce wine be grown or produced in Minnesota.

114. By enforcing this barrier, Defendant is violating Plaintiffs' clearly-established rights to engage in interstate and foreign commerce. Absent a declaration of Plaintiffs' constitutional rights, Defendant will continue to violate Plaintiffs' rights.

115. Unless the in-state mandate in Minn. Stat. § 340A.101, subd. 11 and Minn. Stat. § 340A.315, subd. 4 is declared unconstitutional and Defendant's employees, agents, representatives and successors are enjoined from enforcing this provision, Plaintiffs are in imminent danger of suffering and continuing to suffer irreparable harm.

116. For reasons including but not limited to those stated in this Complaint, Plaintiffs have no other adequate legal or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights.

REQUEST FOR RELIEF

Wherefore, Plaintiffs respectfully request relief as follows:

1. Enter a judgment declaring that the in-state mandate in Minn. Stat. § 340A.101, subd. 11; Minn. Stat. § 340A.315, subd. 4; and Defendant's enforcement preventing Plaintiffs from purchasing grapes, fruit, juices, honey and other raw materials from outside Minnesota, violate Article I, Section 8, Clause 3 and Article I, Section 10, Clause 2 of the United States Constitution, and that Plaintiffs have the constitutional right to engage in interstate and foreign commerce.

2. Enter an injunction prohibiting Defendant and her employees, agents, representatives and successors from preventing Plaintiffs from purchasing grapes, fruit, juices, honey and other raw materials they use to produce wine outside Minnesota.

3. Award attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and

4. Award such other further legal and equitable relief as the Court deems just, equitable and proper.

Dated: March 28, 2017

Respectfully submitted,

/s/ Meagan A. Forbes

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