

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

**Douglas Furlong, Varietal Beer Company, and Vortex Brewing Co.,
LLC v. Anthony G. Brown, Attorney General of Maryland, and
Jeffrey A. Kelly, Executive Director, Maryland Alcohol, Tobacco, and
Cannabis Commission**

Furlong · No. Civil Action No. RDB-23-2045 · Decided February 20, 2026

SUMMARY

The United States District Court for the District of Maryland granted Defendants’ motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment in a challenge to Maryland’s Direct Delivery Law. The Court held that its injunction was overbroad because it swept beyond the residency and employee-delivery restrictions found unconstitutional and enjoined enforcement of other unchallenged licensing requirements. The Court ordered that the prior judgment be amended by separate amended judgment.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Richard D. Bennett
JURISDICTION	United States District Court for the District of Maryland
DECIDED	February 20, 2026
DOCKET	Civil Action No. RDB-23-2045
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 59(e) to alter or amend a post-trial judgment and narrow the injunction entered against enforcement of Maryland's Direct Delivery Law.
STANDARD OF REVIEW	Abuse of discretion; under Rule 59(e), alteration or amendment is available when there is an intervening change in controlling law, newly available evidence, or a need to correct clear error or prevent manifest injustice.
PARTIES	Anthony G. Brown, Attorney General of Maryland, Jeffrey A. Kelly, Executive Director, Maryland Alcohol, Tobacco, and Cannabis Commission v. Douglas Furlong, Varietal Beer Company, Vortex Brewing Co., LLC

QUESTIONS PRESENTED

1. Whether the post-trial injunction was overbroad because it barred enforcement of statutory provisions that were not challenged and were not found unconstitutional.
2. Whether the court should alter or amend the judgment under Federal Rule of Civil Procedure 59(e) to correct the overbroad injunction and prevent manifest injustice.

HOLDINGS

1. Rule 59(e) relief was warranted because the injunction constituted clear error by extending beyond the constitutional violation established in the court's findings and conclusions.
2. The injunction was overbroad to the extent it enjoined enforcement of section 2-169(a)(2)(ii)–(iv) and other requirements

FACTUAL BACKGROUND

Plaintiffs challenged Maryland's Direct Delivery Law, including its residency requirement for direct beer delivery permits and its prohibition on delivery by common carrier. Following trial, the court determined that the residency and employee-delivery restrictions violated the Commerce Clause and entered declaratory and injunctive relief. The resulting injunction broadly barred enforcement of section 2-169(a), including provisions and incorporated Class 7 licensing requirements that Plaintiffs had not challenged and that the court had not found unconstitutional.

PROCEDURAL HISTORY

After a trial, the court entered findings of fact and conclusions of law on December 23, 2025, and entered judgment for Plaintiffs, declaring certain residency and employee-delivery restrictions unconstitutional and enjoining enforcement of Maryland Code section 2-169(a) against out-of-state beer producers. Defendants moved to alter or amend the judgment, arguing that the injunction swept beyond the constitutional violation. The court granted the motion and directed that the judgment be amended by separate amended judgment.