

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

Andrew Cooperrider, et al. v. Andrew Beshear, et al.

Cooperrider · No. 3:22-cv-00016-GFVT · Decided March 25, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky grants Governor Andrew Beshear’s renewed motion to dismiss claims arising from the revocation of a bar’s liquor license during the COVID-19 pandemic. The court holds that, accepting the plaintiffs’ allegations as true, Beshear acted in a quasi-prosecutorial capacity and is entitled to absolute immunity. The court also concludes that the law-of-the-case doctrine does not bar Beshear from raising the previously unresolved absolute-immunity defense.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	March 25, 2026
DOCKET	3:22-cv-00016-GFVT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought a 42 U.S.C. § 1983 action alleging First Amendment retaliation and due-process violations arising from the revocation of Brewed's liquor license. After the Sixth Circuit reversed the dismissal of the First Amendment retaliation claims against Beshear, Perry, and Duke on qualified-immunity grounds, Beshear filed a renewed Rule 12(b)(1) motion asserting quasi-prosecutorial absolute immunity.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion asserting an immunity defense, the court treated the motion as a facial attack on subject-matter jurisdiction, accepted the complaint's factual allegations as true, and construed them in the light most favorable to plaintiffs.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order; precedential status unknown
PARTIES	Andrew Cooperrider, Deans Diner, LLC d/b/a Brewed v. Andrew Beshear, Ray Perry, Allyson Taylor, Maggie Woods, Joshua Newton,

TOPICS

section 1983 government liability motions to dismiss subject matter jurisdiction civil rights

PRACTICE AREAS

civil rights constitutional law civil procedure administrative law government liability

QUESTIONS PRESENTED

1. Whether Governor Beshear was entitled to quasi-prosecutorial absolute immunity from the plaintiffs' individual-capacity claims under 42 U.S.C. § 1983 based on allegations that he directed the initiation, continuation, settlement posture, and outcome of an administrative liquor-license enforcement proceeding.
2. Whether the law-of-the-case doctrine barred Beshear from raising absolute immunity after the district court and Sixth Circuit previously addressed qualified immunity without deciding absolute immunity.

HOLDINGS

1. Governor Beshear was entitled to quasi-prosecutorial absolute immunity because, accepting the complaint's allegations as true, he acted in a quasi-prosecutorial capacity by directing the initiation and continuation of an agency enforcement proceeding, refusing settlement, and directing revocation of Brewed's liquor license.
2. The law-of-the-case doctrine did not bar Beshear from asserting absolute immunity because neither the district court nor the Sixth Circuit had squarely decided that issue; the earlier decisions concerned qualified immunity.

KEY QUOTATIONS

“those officials who are responsible for the decision to initiate or continue a proceeding subject to agency adjudication are entitled to absolute immunity from damages liability for their parts of that decision.”

(Section II)

“Construing the Plaintiffs’ factual allegations as true, Beshear acted in a quasi-prosecutorial manner.”

(Section II)

FACTUAL BACKGROUND

Andrew Cooperrider, the owner of Brewed, publicly criticized Governor Andrew Beshear's COVID-19 executive orders, including orders restricting indoor dining and drinking, and supported efforts to impeach the Governor. The Kentucky Department of Alcoholic Beverage Control instituted enforcement proceedings seeking revocation of Brewed's liquor license based in part on alleged violations of the Governor's orders and Kentucky's disorderly-conduct statute. Plaintiffs alleged that Beshear was angered by their speech, directed staff to continue

the enforcement action and reject a settlement, and directed government employees to revoke Brewed's license in retaliation for plaintiffs' First Amendment activity.

PROCEDURAL HISTORY

The district court initially dismissed claims against Beshear, Perry, Duke, and Newton on March 23, 2023, concluding that Beshear, Perry, and Duke were entitled to qualified immunity. The court later dismissed the claims against Woods and Taylor and entered final judgment. On appeal, the Sixth Circuit affirmed several dismissals and the qualified-immunity ruling on the due-process claims, but reversed the dismissal of the First Amendment retaliation claims against Beshear, Perry, and Duke on qualified-immunity grounds. After the mandate, Beshear renewed his motion to dismiss, and the district court granted it on quasi-prosecutorial absolute-immunity grounds.

DISPOSITION

other

CASES CITED

- Cooperrider v. Woods, 127 F.4th 1019 (6th Cir. 2025)
- Zilich v. Longo, 34 F.3d 359, 365 (6th Cir. 1994)
- Gentek Bldg. Prods., Inc. v. Sherwin-Williams Co., 491 F.3d 320, 330 (6th Cir. 2007)
- Ohio Nat. Life Ins. Co. v. United States, 922 F.2d 320, 325 (6th Cir. 1990)
- Moir v. Greater Cleveland Reg'l Transit Auth., 895 F.2d 266, 269 (6th Cir. 1990)
- Hagan v. Funk, No. 3:24-cv-01223, 2025 U.S. Dist. LEXIS 191614, at *7 (M.D. Tenn. Sept. 29, 2025)
- Carmichael v. City of Cleveland, 881 F. Supp. 2d 833, 844 (N.D. Ohio 2012)
- United States v. Ritchie, 15 F.3d 592, 598 (6th Cir. 1994)
- Cooper v. Parrish, 203 F.3d 937, 944, 946–47 (6th Cir. 2000)
- Price v. Hicks, 198 F.3d 607, 611 (6th Cir. 1999)
- Buckley v. Fitzsimmons, 509 U.S. 259, 269 (1993)
- Rieves v. Town of Smyrna, 959 F.3d 678, 691 (6th Cir. 2020)
- Cleavinger v. Saxner, 474 U.S. 193, 200 (1985)
- Forrester v. White, 484 U.S. 219, 224 (1988)
- Salyer v. Patrick, 874 F.2d 374, 378 (6th Cir. 1989)
- Sentementes v. Lamont, No. 3:20cv1827 (MPS), 2021 U.S. Dist. LEXIS 98559, at *14 (D. Conn. May 25, 2021)
- Watson v. Bush, No. 09-cv-1871, 2010 U.S. Dist. LEXIS 38569, at *20 (N.D. Ill. Apr. 20, 2010)
- Cote v. Kontos, No. 88 C 4751, 1989 U.S. Dist. LEXIS 1244, at *7–8 (N.D. Ill. Feb. 7, 1989)
- Ingram v. Tenn. Dep't of Health, No. 3:17-cv-01565, 2021 U.S. Dist. LEXIS 148840, at *42 (M.D. Tenn. Aug. 9, 2021)
- Romano v. Bible, 169 F.3d 1182, 1187 (9th Cir. 1999)

- Watts v. Burkhart, 978 F.2d 269, 274, 278 (6th Cir. 1992)
- Burley v. Gagacki, 834 F.3d 606, 618 (6th Cir. 2016)
- Castro v. United States, 540 U.S. 375, 384 (2003)
- Edmonds v. Smith, 922 F.3d 737, 740 (6th Cir. 2019)
- Messenger v. Anderson, 225 U.S. 436, 444 (1912)
- Vander Boegh v. EnergySolutions, Inc., 772 F.3d 1056, 1071 (6th Cir. 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-ken/2026/andrew-cooperrider-et-al-v-andrew-beshear-et-al-dcp0lzeg>