

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

Bear Island Distributors, LLC,

Case No.: 2025-CP-14-00051

Plaintiff,

ORDER

v.

Lincoln & South Brewing Co., LLC,

RECEIVED

Apr 24 2025

Defendant.

SC Court of Appeals

This matter came before the Court on February 25, 2025, for hearing before me on Plaintiff's Motion for Temporary Injunction by way of Virtual Webex conference at 1:00 p.m. Present before the Court were John F. Connell, Jr., Esquire, and Roni B. Payne, Esquire of Burr Forman, LLP Counsel for Plaintiff, together with William Cram on behalf of the Plaintiff, and, R. Nicholas Felix, Esquire, and Edward B. Mitchell, Esquire of Butler Snow, Counsel for Defendant, together with Thomas Gadhue, John Rybicki, and Heather Mastropole on behalf of the Defendant.

I considered the verified pleadings of the parties, together with the affidavits and exhibits, the Motion for Temporary Injunction of the Plaintiff together with supporting documents, the Return of the Defendants together with supporting documents. I considered the South Carolina Rule of Civil Procedures and applicable South Carolina statutory and case law, including specifically the provisions of S.C. Code Ann. §61-4-1100 *et seq.*, and §61-4-1120. I considered the sound and well stated arguments of counsel for the parties and allowed each a full and fair opportunity to be heard. I considered and weighed the equities of the matter and potential impacts upon the parties depending upon either outcome of the motion based upon the totality of the facts and circumstances as alleged. Based upon all these considerations I find as follows:

- 1) This Court has jurisdiction over the parties and the subject matter of this action pursuant to the Alcohol and Alcoholic Beverages Act, S.C. Code Ann. §61-4-10 *et seq.* (the “Act”).
- 2) Under the Act and the exclusive Distribution Agreement at issue, the Defendant as a registered producer ¹ is not able to market, sell, or distribute its product to retail customers except through the Plaintiff as its exclusive “beer wholesaler”².
- 3) The Plaintiff has not placed a purchase order with the Defendant under the Distribution Agreement since October, 2024.
- 4) The Plaintiff has statutory and contract claims with discernible and calculable amounts in dispute which provide adequate remedies at law.
- 5) Bear Island Distributors did not present convincing evidence that it has been or might be adversely affected by the cancellation of the Distributorship Agreement sufficient to support its motion for an injunction under S.C. Code Ann. §61-4-1120.
- 6) The Plaintiff’s Motion for Temporary Injunction is denied.

AND IT IS SO ORDERED.

The Honorable Carmen T. Mullen
Circuit Court Judge

February____, 2025
Beaufort, South Carolina

¹ The Act identifies brewers as “registered producers”. See S.C. Code Ann. §61-4-1100(1).

² The Act identifies alcohol distributors as “beer wholesalers”. See S.C. Code Ann. §61-4-1100(1)(a).



Beaufort Common Pleas

Case Caption: Bear Island Distributors Llc VS Lincoln & South Brewing Co Llc

Case Number: 2025CP0700051

Type: Order/Other

So Ordered

s/Carmen T Mullen 2142