



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*  
No. 25E-1294

M.S. WALKER, INC.  
V.  
CONSTELLATION BRANDS, INC.  
HEARD: 06/04/2014

*Kim J. Gainsboro, Esq.*  
*Chairman*

**MEMORANDUM AND ORDER**  
**ON CONSTELLATION BRANDS, INC. AND**  
**M.S. WALKER, INC.**

This case arises under M.G.L. c. 138, §25E. Petitioner, M.S. Walker, Inc. (Walker) is a Massachusetts wholesaler aggrieved at the refusal of Constellation Brands Inc. ("Constellation"), a Massachusetts manufacturer of alcoholic beverages, to ship Mark West Wines (the "Brand Items") to Walker. On or about September 13, 2012, pursuant to the mandate in M.G.L. c. 138, §25E, the Commission issued an order to Constellation to make sales of the Mark West Wines brand items to Walker pending the Commission's determination of the petition on the merits. The Commission also authorized discovery to take place.

On February 7, 2014, Constellation filed a Motion for Summary Decision. In response, on February 20, 2014, Walker filed a Motion to Enlarge Time to Respond to Constellation's Motion for Summary Decision. On February 27, 2014, Walker filed a further Motion to Strike and to Compel Further Discovery Responses. On February 28, 2014 Constellation filed a Partial Opposition to Walker's Motion to Enlarge Time.

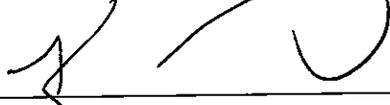
On Wednesday, June 4, 2014 the Commission held a hearing on the Petitioner's Motions to Enlarge Time and to Strike and to Compel Further Discovery Responses. As a result of that hearing, the Commission ordered further discovery.

CONCLUSION

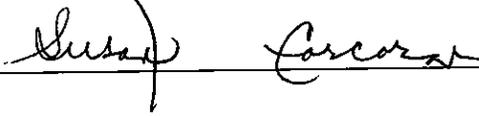
The Commission at this time **DENIES** the Motion for Summary Decision in that it would be premature to issue a decision while discovery matters remain unresolved. However, the Motion is **DENIED WITHOUT PREJUDICE** and may be refiled when discovery is complete.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: July 30, 2014

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: William F. Coyne, Jr., Esq. via email  
Mary O'Neal, Esq. via email  
File