

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

LITTLE ITALY OF TELLICO, LLC, )  
AND ITS MEMBER, )

Plaintiffs, )

v. )

LOUDON COUNTY BEER BOARD )  
AND ITS MEMBERS, )

Defendants. )

Case No. 13088

FILED 11 DAY OF June 2023  
AT 11:10 AM  
USA SCOTT KAS  
LOUDON CO. CLERK & MASTER

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**DEFENDANTS' MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

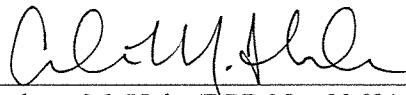
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Comes now Defendants Loudon County Beer Board and Its Members ("Defendants"), by and through counsel, hereby move to dismiss Plaintiffs' Complaint pursuant to Rule 12.02(1) & (5) of the Tennessee Rules of Civil Procedure.

For the reasons set forth in the accompanying Memorandum of Law, which is incorporated herein by reference pursuant to Tenn. R. Civ. P. 10.04, the Complaint should be dismissed in its entirety. Specifically, Plaintiffs' claims set forth in the Complaint should be dismissed because: (1) the Complaint was not properly filed as a petition for a writ of certiorari; (2) the claims are time-barred; and (3) Defendants were not properly served. Accordingly, Defendants respectfully request that the Complaint be dismissed in its entirety.

WHEREFORE, for the reasons stated herein and in the supporting Memorandum of Law, the Defendants respectfully request that their Motion to Dismiss be granted and that Plaintiffs' Complaint and the claims asserted therein be dismissed with prejudice.

Respectfully submitted this 16<sup>th</sup> day of June 2023.



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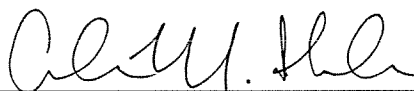
*Attorneys for Defendants*

#### CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of June, 2023, a true and correct copy of the foregoing **Defendants' Motion to Dismiss Plaintiffs' Complaint** was served via First Class U.S. Mail, postage prepaid, and addressed to:

Errol W. Keith  
200 Oologila Place  
Loudon, TN 37774

*Attorney for the Plaintiffs*



Andrew M. Hale