

<u>Loudon</u> County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number <u>13088</u>
<u>LITTLE ITALY OF TELlico</u> vs. <u>LOUDON COUNTY BEER BOARD</u>		

Served On: Loudon County Beer Board (Contact Person: Van Shaver, 568 Ford Rd.,
Memphis City, TN 37711

You are hereby summoned to defend a civil action filed against you in Chamney Court, Loudon County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: May 24, 2013 Connie Black AC
Clerk / Deputy Clerk

Attorney for Plaintiff: ERRYL W. KEITH
200 OCOCHLA PLACE, LOUDON, TN 37774

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to _____ Clerk, _____ County
Lisa Scott AT 3:13P M
LOUDON CO. CLERK & MASTER

CERTIFICATION (IF APPLICABLE)

I, _____ Clerk of _____ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____
Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: _____

Date: _____ By: _____
Please Print: Officer, Title

Agency Address _____ Signature _____

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____
Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff _____ Plaintiff's Attorney (or Person Authorized to Serve Process)

(Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call _____ ADA Coordinator, at (_____) _____



**Chancery Court
Loudon County, TN**

Little Italy of Tellico, LLC
and Its Member

Plaintiffs,

vs

Loudon County Beer Board
and Its members

Defendants,

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Case Number *13088*

Venue

NOW COMES the Plaintiff by and through its attorney, Errol W. Keith averring:

1. Plaintiff is a Tennessee LLC with business offices located at 316 Lakeside Plaza, Loudon TN 37774.
2. Defendants are a governmental entity and officials for Loudon County, TN with a published address of 568 Ford Road, Lenoir, TN37771 (contact person Mr. Van Shaver.
3. This Court has jurisdiction in this matter based on citizenship.

Complaint

4. Defendants on or about four years ago denied Plaintiff's application for a beer license for Plaintiff's business location.
5. Defendant Board declared that the Tellico Village Library was a public meeting place without making any finding of fact.
6. Defendant Board cited as justification for disallowing the license **BOYD'S CREEK ENTERPRISES, LLC et al v. SEVIER COUNTY, TENNESSEE**, 362 S.W. 3d 600(2010).

FILED *24* DAY OF *May* 20*23*
AT *3:13 P* M
Lisa Scott
LOUDON CO. CLERK & MASTER *CB*

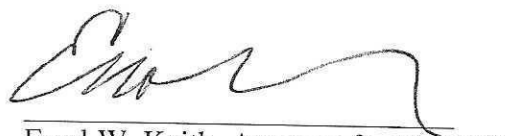
7. Defendants reliance on the above case is misplaced.
8. Tennessee qualifies the state law governing denial of a beer license can be made when it is shown that the granting would “...**interfere with public health, safety and morals.**” TCA §57-5-105(b)(1).
9. An examination of the true scope of sponsored activities by the Tellico Village Library should have been made to support the board’s. Specifically the type of programs offered, when they are offered and the age group being served.
10. Current programs listed on their web site are; classes on genealogy and writing memoirs.
11. Future Classes are listed as; Secure Act 2.0 on how retirement laws will affect recipients, Author Talks (presented by Tellico Village Authors, Avoiding injuries during Pickleball, Tinnitus and Pinterest (no description offered).
12. To the best of Plaintiff’s information and knowledge there are no “meetings of outside groups” held at the Library other than the lecturers.
13. The Tellico Village Library annually holds events at which beer or wine is served to raise money to support and maintain the facility.
14. The Tellico Village Library was founded, financed and staffed by the residents of Tellico Village to provide services to the residents of the village.
15. To the best of Plaintiff’s information and knowledge there are no youth programs offered by the Tellico Village Library.
16. The location of the Tellico Village Library is in a remote heavily wooded area in excess of two miles by road from the residential portion of Tellico Village making access difficult by foot.
17. Plaintiff only serves Breakfast and Dinner starting at 4:30 pm.
18. Plaintiff intends, if a permit is obtained, to serve beer during dinner hours.

Plaintiff respectfully request the court to find:

- a. There are no programs being offered at the library for youth;
- b. Other than lectures there are no outside groups meeting at the library;
- c. The democratic age group being served are retired adults;
- d. The Tellico Village Library is not a public meeting place;
- e. and order the Board to issue the Plaintiff a beer license.

Dated May 24, 2023

Respectfully submitted



Errol W. Keith, Attorney for Plaintiff
Bar Number # 024280
200 Oologila Place
Loudon, TN 3774
(248) 808-2250