



*Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3*  
*Chelsea, MA 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**No. 25E-1403**

**MARTIGNETTI GROCERY COMPANY, LLC**  
**d/b/a CAROLINA WINE COMPANY**

**Petitioner**

**v.**

**THE SORTING TABLE, LLC**

**Respondent**

**HEARD: 12/17/2024**

**MEMORANDUM AND ORDER ON MOTIONS**

The Alcoholic Beverages Control Commission (“Commission”) hereby issues this Memorandum and Order in response to The Sorting Table’s Motion to Modify Ship Order and Carolina’s Opposition, and to Carolina’s Emergency Motions for Sanctions and The Sorting Table’s Opposition.

**PROCEDURAL BACKGROUND**

This case arises under M.G.L. c. 138, § 25E. The Petitioner, Martignetti Grocery Company, LLC, d/b/a Carolina Wine Company (“Carolina”), is a Massachusetts wholesaler aggrieved at the refusal of The Sorting Table (“TST”), a Massachusetts certificate of compliance holder, to ship several different wines<sup>1</sup> (the “Brand Items”) to Carolina. On or about May 10, 2021, Martignetti Grocery Company, LLC filed an Application for Relief Under G.L. c. 128, § 25E, against The Sorting Table, LLC. On May 12, 2021, pursuant to the mandate in § 25E, the Commission issued an order to TST to make sales of the Brand Items to Carolina pending the Commission’s decision of the petition on the merits.

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<sup>1</sup> Borgoluce, Castello Di Ama, Domaine Roblet Monnot, Dujac [including but not limited to Domaine Dujac & Dujac Pere et Fils], Ebner Ebenauer, JB Adam, Le Monde, Leth, Manawa, Marina Coppi, Momo, Moreau, Nellis, Presemele, Rizzzi, Sassetti Pertimaili, Schauer, Seresin, Snowden, Tiberio, Triennes, Trig Point, Vino Lauria and Waris-Hubert.

On or about June 4, 2021, TST filed its Motion to Modify Ship Order. Carolina filed an Opposition on or about June 25, 2021.

On or about September 2, 2022, Carolina filed a Motion for Sanctions against TST. On or about November 11, 2024, Carolina filed a Second Emergency Motion for Sanctions. TST filed an Opposition to Carolina's Motions for Sanctions on or about December 3, 2024.

The Commission held a hearing on the matters on December 17, 2024.

### FINDINGS OF FACT

1. Martignetti Grocery Company, LLC d/b/a Carolina Wine is wholesaler of alcoholic beverages with a usual place of business in Taunton, MA. (Verified Application for Relief)
2. The Sorting Table, LLC holds a Certificate of Compliance (COC) issued by the Commission. (Commission Records)
3. Carolina for many years was the exclusive Massachusetts wholesaler for TST, and on or about April 28, 2021, Carolina learned it would no longer be the exclusive wholesaler but would be "dualled" with M.S. Walker to market, sell and distribute the Brand Items. (Verified Application for Relief)
4. On or about May 10, 2021, Carolina filed its Application for Relief under M.G.L. c. 138, § 25E. (Verified Application for Relief)

### DISCUSSION

According to Massachusetts General Law Chapter 138, § 25E, "it shall be an unfair trade practice and therefor unlawful for any manufacturer, winegrower, farmer-brewer, importer or wholesaler of any alcoholic beverages, to refuse to sell, except for good cause shown, any item having a brand name to any licensed wholesaler to whom such manufacturer, winegrower, farmer-brewer, importer or wholesaler has made regular sales of such brand item during a period of six months preceding any refusal to sell."

In its Motion to Modify Ship Order, TST asserts that Carolina has not made regular purchases of all Brand Items during the six-month period immediately preceding the filing of the application for relief, and as such the Commission should allow TST's Motion. Also in its Motion, TST requests the Commission waive the "110% rule" given a shortfall in product availability.

Carolina argues TST's Motion to Modify is premature and asserts that modifying a ship order should only be granted after a "significant factual basis has been established."

Carolina in its Motions for Sanctions argues TST has failed to comply with the Commission's Pre-Hearing Order by, among other things, failing to fulfil orders, and conditioning the purchase of certain brands on the purchase of other unwanted brands. In response, TST opposes the Motion asserting it has not refused to sell any of the Brand Items to Carolina and further that Carolina sought the Pre-Hearing Order for certain products to increase its allocated share.

The purpose of an order to ship is to maintain the status quo during the course of the § 25E litigation. Somerset Importers, Ltd. V. Alcoholic Beverages Control Comm'n, 28 Mass. App. Ct. 381, 384-385 (1990) (§ 25E obligates supplier "to maintain normal business volume" pending ABCC's decision upon supplier's alleged § 25E obligations); Austin-Nichols & Co., Inc. v. Alcoholic Beverages Control Comm'n, Suffolk County Superior Court C.A. No. 02-0619H (Walker, J., Mem. & Order Mar. 27, 2002) (§ 25E ship order's purpose is to "preserve the status quo" pending the Commission's final ruling upon the 25E obligations, if any, of a supplier). The statute is explicit that, upon a wholesaler's application, the Commission "*shall order* the manufacturer, importer or wholesaler giving notice of refusal to sell to continue to make sales in the regular course to such wholesaler *pending determination by the commission on the merits of said appeal.*" M.G.L. c. 138, § 25E (emphasis added).

Without more documentary evidence, the Commission is unable to make a determination regarding the motions.

Given that the merits of this matter have not yet been heard, the Commission must continue to enforce its order.

#### CONCLUSION

The Commission has reviewed and considered TST's Motion to Modify Ship Order and Carolina's Opposition, and exhibits, as well as arguments made at the Commission hearing, and determined an evidentiary hearing is required to resolve disputed facts. As a result, the Commission DENIES WITHOUT PREJUDICE the Motion.

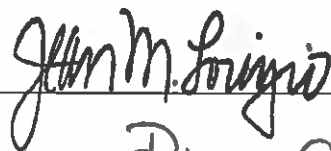
The Commission has reviewed and considered Carolina's Motions for Sanctions and exhibits, as well as arguments made at the Commission hearing and DENIES WITHOUT PREJUDICE the Motions.

**The Commission's Ship Order of May 2021 remains in full effect.**

The Commission further establishes that **all discovery shall be completed on or before August 6, 2025.**

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: July 10, 2025

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 (30) days of receipt of this decision.

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Administration, File