

Shumaker Attorney Mark Wagoner Wins Landmark Victory in Beer Distributorship Case

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Lawyers: [Mark Wagoner](#)

Toledo, OH – Shumaker, Loop & Kendrick, LLP is pleased to announce that Mark Wagoner achieved a landmark victory representing Dayton Heidelberg Distributing Co. on whether MillerCoors could terminate Dayton Heidelberg’s distributorship in Ohio. The United States District Court for the Southern District of Ohio determined that MillerCoors was not entitled to terminate the distributorship agreement under Ohio law. On August 16, 2012, the United States Court of Appeals for the Sixth Circuit affirmed that decision in *Dayton Heidelberg Dist. Co. v. MillerCoors, LLC*, Case No. 11□3484, in a published decision.

Several beer distributors in Ohio received notices of termination from MillerCoors in 2008. Miller Brewing Company and Coors Brewing Company formed a joint venture, MillerCoors, LLC. As a result of the merger, MillerCoors then argued that it could terminate several beer distributors in Ohio under the “successor manufacturer” provisions of the Ohio Alcoholic Beverages Franchise Act. The distributors argued that MillerCoors was not a “successor manufacturer” under the OABFA because, even after the joint venture, both Miller and Coors exercised “control” over MillerCoors. The Sixth Circuit agreed with the distributors.

Mark Wagoner, lead counsel for Dayton Heidelberg Co., added “This was a long and protracted case with extensive discovery and briefing. The decision from the Sixth Circuit affirms our position from the very beginning: MillerCoors was not entitled to terminate our client’s distributorship.”

Dayton Heidelberg Distributing Co. is a family-owned company in the business of marketing and delivering the highest quality beer, wine, spirits, and other beverages to more than 20,000 retail establishments throughout Ohio and Kentucky. The Miller and Vontz families – both third and fourth generations – are actively involved in the daily operations of the company. Long-term partnerships and solid relationships built over 70 years with brewers, wineries, and global suppliers help Heidelberg bring superb products to market.

Mark Wagoner is a Partner in the Toledo and Columbus offices of Shumaker, Loop & Kendrick, LLP. Mr. Wagoner has been repeatedly recognized as a “Rising Star” in the area of business litigation by *Super Lawyers*. He has extensive experience handling complex franchise and distributorship issues for clients. He is a recipient of the “Who’s Who in Toledo Area Law” recognition by the *Toledo Business Journal* and been awarded the “20 Under 40 Award” for professional accomplishments and community service.

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Founded in 1925, Shumaker, Loop & Kendrick, LLP is a full service law firm with more than 220 attorneys practicing in Toledo and Columbus, Ohio; Tampa and Sarasota, Florida; and Charlotte, North Carolina.

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