

Brewvies and DABC reach tentative truce over liquor sales and movies with nudity as lawsuit continues

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Liquor • Pending lawsuit action, truce means theater can show "Deadpool" without fear of new DABC penalties.



This image released by Twentieth Century Fox shows Ryan Reynolds in a scene from "Deadpool." (Joe Lederer/Twentieth Cent

By Kathy Stephenson The Salt Lake Tribune · May 5, 2016 9:13 am

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Brewvies Cinema Pub can continue to show "Deadpool" and other R-rated movies with sex and nudity without fear of being ticketed by the Utah Department of Alcoholic Beverage Control.

Under a tentative court agreement discussed Tuesday, the DABC will not enforce a controversial state liquor law involving alcohol sales at movie theaters while a federal lawsuit with Brewvies is pending.

In turn, Brewvies must continue to operate as it has in the past — admitting only customers who are 21 or older and screening only R- or lower-rated films. Brewvies has never shown NC-17 films.

"There's no threat of enforcement as long as they still operate within their regular business model," said Brewvies' attorney Rocky Anderson, adding that the agreement also ensures that the DABC won't come back after the lawsuit and cite Brewvies for movies shown during the waiting period.

Attorneys from both sides must still present the deal in writing to U.S. District Judge David Nuffer before it gets a final stamp of approval.

The agreement means Brewvies can go ahead with an encore screening of "Deadpool" on Friday without fear of the DABC "hanging over their head," said Anderson. The film, which begins at midnight and costs \$10 per person, is billed as a celebration of the First Amendment. All proceeds will go to the Brewvies legal defense fund.

Still to be decided is whether the DABC violated the First Amendment rights of Brewvies.

Last month, officers from the State Bureau of Investigation cited Brewvies for serving alcohol during screenings of "Deadpool." Because it was not the first time the Salt Lake City theater had been ticketed, it faced a fine of up to \$25,000 and a potential 10-day revocation of its liquor license. Previously, after the screening of "The Hangover Part II," the theater was fined \$1,627.

Utah's Attire, Conduct and Entertainment Act prohibits alcohol from being served during R-rated movies in which characters are shown having sex while nude. "Deadpool" contains such a scene, and it contains a brief scene of male full-frontal nudity, also barred under the act.

After the most recent citation, Brewvies filed a lawsuit in U.S. District Court of Utah, contending that the "Deadpool" screening was protected by the First Amendment. Anderson said similar cases in California and Idaho have ruled that a state cannot restrict the showing of films protected by the U.S. Constitution.

Parker Douglas with the Utah attorney general's office said his office will defend the state statute.