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From the Houston Business Journal:

<https://www.bizjournals.com/houston/news/2020/07/16/backwoods-bar-sues-montgomery-county.html>

Backwoods Saloon sues Montgomery County to reopen bars

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Backwoods Saloon, a honky tonk at 230 Lexington Court in Conroe, filed a lawsuit that aims to prevent Montgomery County from enforcing Gov. Greg Abbott's June 26 executive order.

As part of Abbott's order, businesses that receive 51% or more of their gross receipts from the sale of alcoholic beverages — typically bars — had to close to customers on June 26. They still can offer drive-thru, pickup or delivery options for food and drinks to the extent allowed by state law.

However, the lawsuit argues that the order treats such businesses unfairly because it "closed any business with a 51% license, regardless of the nature of the business or the services being provided at the business."

"Per the overly broad language of the order, if the business maintains a 51% license, no person can come on the business's property, even if the business ceases selling alcohol and modifies their business operation to provide non-alcohol based products and services," the lawsuits states.

The lawsuit claims that the order is in violation of the Texas Constitution and Texas law.

The Texas Bar & Nightclub Alliance is backing the suit.

The suit says Backwoods likely will have to file bankruptcy as a result of the order.

Backwoods owner Mark Beatty told the Houston Business Journal he might also have to file bankruptcy himself. Beatty said that his reasons for filing the lawsuit are primarily financial as well as due to the extreme emotional duress on himself and his wife.

"We're trying to pressure the governor and the local authorities to think again about this order because they are singling out the bar industry, one industry," Beatty said.

Backwoods Saloon has been closed 109 days so far in 2020, Beatty said. He's suing for monetary relief up to \$1 million.

Beatty said that, when it was open, his bar was safe and clean. He argues there's no evidence that bars spread Covid-19. However, epidemiologists have said that bars can play a role in spreading Covid-19, due to prolonged, indoor contact.

"Governor Abbott's singling out of the 51% license businesses for shut down is likewise arbitrary and capricious when compared to (the order's) more favorable treatment of other, non-bar-related businesses, such as gyms, amusement parks, professional sports, nail salons, massage parlors, and the like, all of which involve close, extended, crowded surroundings, some or all of which would present Covid spreading risks at least as much as the 51% license businesses, and none of which have been shut down," the lawsuit states.

The Montgomery County Attorney Office declined to comment on the lawsuit.

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Houston Business Journal

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A Conroe bar is suing Montgomery County to reopen local bars.

