

[Dept. of Ag., et al. v. A. Miller, et al. \(2025\)](#). Judge Wojcik joined the Court’s opinion.

**Holding:** The Court affirmed the trial court’s order granting a limited preliminary injunction against Amos and Rebecca Miller to prohibiting raw milk sales only within Pennsylvania, not to out-of-state customers.

**Analysis:** The Department of Agriculture had sought to bar all sales, arguing the Milk Sanitation Law and related regulations required permits for any sale. The Court, however, emphasized that a preliminary injunction is an extraordinary remedy and reviewed under a deferential abuse-of-discretion standard. It found the trial court had reasonable grounds to conclude the law was ambiguous, since the statute prohibited unpermitted sales “within this Commonwealth” while regulations appeared broader. The Department also failed to prove all six required factors, particularly that prohibiting out-of-state sales would not cause substantial harm, as evidence showed such a restriction would bankrupt the Millers and destroy their family farm. The Court also found ambiguity in the Milk Sanitation Law, which prohibits unpermitted sales “within this Commonwealth,” and concluded the trial court had “apparently reasonable grounds” to interpret the statute as applying only to in-state sales. Claims of per se irreparable harm and constitutional challenges—including under the Commerce Clause—were left for resolution at trial on the merits.

**Background:** The case arose after the Department alleged that the Millers and related businesses operated a buyer’s club selling raw milk and raw milk products without permits, violating multiple food safety and consumer protection laws. The trial court initially issued an ex parte injunction in January 2024 halting all raw milk sales, then replaced it with a preliminary injunction. At the Millers’ request, the court modified the order limiting the ban to sales “within this Commonwealth.” The Department appealed.