

**In The United States District Court
For The Middle District of North Carolina
Greensboro Division**

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.; CENTER FOR FOOD SAFETY; ANIMAL LEGAL DEFENSE FUND; FARM SANCTUARY; FOOD & WATER WATCH; GOVERNMENT ACCOUNTABILITY PROJECT; FARM FORWARD; and AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Plaintiffs,

v.

JOSH STEIN, in his official capacity as Attorney General of North Carolina, and DR. KEVIN GUSKIEWICZ, in his official capacity as Chancellor of the University of North Carolina-Chapel Hill,

Defendants,

And

NORTH CAROLINA FARM BUREAU FEDERATION, INC.,
Intervenor-Defendant.

Case No.: 1:16-cv-25

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Local Rule 56.1, and the Scheduling Order in this case, Dkt. No. 80, as elaborated in Plaintiffs' brief in support of this motion, Plaintiffs hereby move for summary judgment on all of their remaining claims. Plaintiffs ask this Court to enjoin Defendants' enforcement of N.C. Gen. Stat.

§ 99A-2(b)(1)-(3), (b)(5), and declare all applications of those provisions unconstitutional because:

1. The provisions violate the First Amendment of the United States Constitution, as they fail the requisite scrutiny and are overbroad.
2. Subsections (b)(1)-(2) and (5) are unconstitutionally vague.
3. All of the provisions were motivated by animus and thus violate the Equal Protection Clause of the United States Constitution.

As detailed in the brief in support of this motion, these claims are established by the text of the challenged law and the evidence submitted, for which there can be no dispute of fact. Plaintiffs' standing to raise these claims is established by *People for the Ethical Treatment of Animals, Inc. v. Stein*, 737 Fed. App'x 122 (4th Cir. 2018) (unpublished), and the declarations and supporting exhibits Plaintiffs have submitted with this motion.

September 3, 2019

Respectfully submitted,

By: /s/ David S. Muraskin
David S. Muraskin*
PUBLIC JUSTICE, P.C.
1620 L St. NW, Suite 630
Washington, DC 20036
Counsel for Plaintiffs

Daniel K. Bryson
N.C. Bar Number: 15781
Jeremy Williams
N.C. Bar Number: 48162
Whitfield Bryson & Mason LP
900 W. Morgan Street
Raleigh, NC 27603
(919) 600-5000
dan@wbmlp.com
jeremy@wbmlp.com
Counsel for Plaintiffs

Leslie A. Brueckner*
Public Justice, P.C.
474 14th Street Suite 610
Oakland, CA 94612
(510) 622-8205
lbrueckner@publicjustice.net
Counsel for Plaintiffs

Matthew Strugar*
3435 Wilshire Blvd., Suite 2910
Los Angeles, CA 90010
323-696-2299
matthewstrugar.com
*Counsel for People for the Ethical Treatment of
Animals, Inc.*

Matthew Liebman*
Cristina Stella*
Animal Legal Defense Fund
525 East Cotati Avenue
Cotati, CA 94931
(707) 795-7533
mliebman@aldfALDF.org
cstella@aldf.org
Counsel for Animal Legal Defense Fund

Justin Marceau*
University of Denver—Strum College of Law
(for reference purposes only)
2255 E. Evans Ave.
Denver, CO 80208
(303) 871-6000
jmarceau@law.du.edu
Counsel for Animal Legal Defense Fund

Scott Edwards*
Food & Water Watch
1616 P St. NW
Washington, DC 20036
(202) 683-2500
sedwards@fwwatch.org
Counsel for Food & Water Watch

Jennifer H. Chin*
Robert Hensley*
ASPCA
520 Eighth Avenue, 7th Floor
New York, NY 10018
(212) 876-7700
jennifer.chin@aspca.org
robert.hensley@aspca.org
*Counsel for American Society for the
Prevention of Cruelty to Animals*

*Appearing by Special Appearance