

**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' SUGGESTION  
OF SUPPLEMENTAL  
AUTHORITY**

Plaintiffs submit this suggestion of supplemental authority to notify the Court of the decision in *Animal Legal Defense Fund v. Reynolds*, No. 19-124, Dkt. No. 41 (S.D. Iowa, Dec. 2, 2019) (attached), which denies the state's motion to dismiss a First

Amendment challenge to Iowa's second "Ag-Gag" law and grants a preliminary injunction against the operation of that law.<sup>1</sup>

The new decision is lengthy and thus Plaintiffs direct the Court's attention to the following pages as particularly relevant to the issues before it in this matter:

(a) page 7, which explains that a statute that "regulates conduct to some extent," but also "restricts speech" is subject to First Amendment scrutiny;

(b) pages 9-11 and 21, which explain the fact that a statute protects against "trespass" does not insulate it from First Amendment scrutiny;

(c) page 16, which explains that there is no "exempt[ion] from First Amendment protection" for laws codifying "duties an employee might owe an employer," if the law also restricts speech; and

(d) pages 30-37, which discuss defendants' burden of proof to survive strict and intermediate scrutiny.

December 5, 2019

Respectfully submitted,

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<sup>1</sup> Plaintiffs previously cited identically captioned authority in their briefing, but that authority pertained to a challenge to Iowa's first "Ag-Gag" law. Iowa subsequently enacted a second "Ag-Gag" law, and this decision relates to that second law.

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