

**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' RESPONSE  
TO DEFENDANTS' AND  
INTERVENOR'S  
SUGGESTION OF  
SUPPLEMENTAL  
AUTHORITY**

Plaintiffs submit this response to Defendants' and Intervenor's suggestion that *Animal Legal Defense Fund v. Vaught*, No. 4:19-cv-00442-JM, Dkt. 51 (E.D. Ark., Feb. 14, 2020), amounts to supplemental authority. Dkt. No. 136. Plaintiffs state as follows:

(a) on page 10, the *Vaught* opinion states, "The Court agrees with [the Fourth Circuit's] decision as to the standing of the plaintiff PETA" in this case, *PETA v. Stein*, because PETA previously investigated UNC-Chapel Hill laboratories, has information

suggesting the “illegal treatment of animals continues at these laboratories,” and “has chosen not to” investigate that misconduct “because it fears liability” under N.C. Gen. Stat. § 99A-2;

(b) on page 10, the *Vaught* opinion holds the plaintiffs in Arkansas do not have standing because they did not show they “had previously uncovered illegal and unethical abuse of animals at” the facilities they wish to investigate in Arkansas. In reaching this conclusion, the *Vaught* court acknowledged Animal Legal Defense Fund’s (“ALDF’s”) allegations in North Carolina, where the Fourth Circuit held ALDF had standing, “go no further” than the plaintiffs’ allegations in Arkansas. Nonetheless, the *Vaught* court stated it would split with the Fourth Circuit’s decision in *Stein*; and

(c) on page 11, the *Vaught* opinion explains its holding is limited to whether the Arkansas plaintiffs had established “injury-in-fact” under Eighth Circuit law. “[T]he issues of traceability or redressability” or the merits were not addressed.

March 2, 2020

Respectfully submitted,

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