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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

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**ANIMAL LEGAL DEFENSE FUND,  
IOWA CITIZENS FOR COMMUNITY  
IMPROVEMENT, BAILING OUT BENJI,  
PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS, INC., and  
CENTER FOR FOOD SAFETY**

Plaintiffs,

v.

**KIMBERLY K. REYNOLDS**, in her official capacity as Governor of Iowa, **TOM MILLER**, in his official capacity as Attorney General of Iowa, and **DREW SWANSON**, in his official capacity as Montgomery County, Iowa County Attorney,

Defendants.

**Case No. 4:19-cv-124-JEG-HCA**

**Plaintiffs' Response to Defendants'  
Statement of Undisputed Material Fact in  
Support of Defendants' Combined  
Resistance to Plaintiffs' Motion for  
Summary Judgment and Cross-Motion  
for Summary Judgment**

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1. In support of the bill that became the Ag-Fraud statute, codified at Iowa Code § 717A.3A, the late Senator Joe Seng, a sponsor of the bill that became the Ag-Fraud statute, told ABC News about the intent of the law, “[h]ere’s a commercial enterprise intent on bio-security and here comes someone (who gets in) under false pretenses and screws up your whole system. That should be criminal.” Cindy Galli, *‘Ag Gag’ Bills Would Stop Undercover Animal Abuse Investigations*, ABC News, (Feb. 29, 2012), available at:

<https://abcnews.go.com/Blotter/ag-gag-bills-stop-undercover-animal-abuse-investigations/story?id=15816805>.

**Response:** Admitted.

2. In support of the bill that became the Ag-Fraud statute, codified at Iowa Code § 717A.3A, Senator Seng also told a reporter for Iowa Public Television that he supported the Ag- Fraud law because of a concern about potential health risks, stating “[m]aybe corporations or small farmers, they have their life savings invested in facilities, of utmost importance to these people are the fact they have invested money in keeping birds out of there poultry house vermin such as mice or rats, even cockroaches that type of thing from tracking in diseases from the outside.” Paul Yeager, *“Ag Gag” Bill Passes Iowa Legislature*, Iowa Public Television, (March 2, 2012), available at: <http://www.iptv.org/mtom/story/13293/ag-gag-bill-passes-iowa-legislature>.

**Response:** Admitted.

3. In support of the bill that became the Ag-Fraud statute, codified at Iowa Code § 717A.3A, Senator Seng also told a reporter that he supported the Ag-Fraud law because “The U.S. constitution says that you cannot enter a person’s private property without formal knowledge. Even a policeman has to obtain a search warrant to get on a piece of property. These are private properties owned by either farmers or corporations that have strict bio-security facilities that do not want either birds, mice, vermin, anything like that, even cockroaches entering into these facilities -- people included.” Kai Ryssdal, *Iowa’s ‘Ag Gag’ Sponsor Defends Bill*, Marketplace, (March 1, 2012), available at: <https://www.marketplace.org/2012/03/01/life/iowas-ag-gag-sponsor-defends-bill>.

**Response:** Admitted.

4. Then-Representative Annette Sweeney, who authored an earlier version of the bill that became the Ag-Fraud statute, codified at Iowa Code § 717A.3A, stated that she supported the bill because “[o]ur agriculture community needs some safe havens. We want to make sure we

have as safe of a food source. With this bill we want to make sure everybody involved in our livestock facilities and working within in those facilities is forthright, and want to make sure our livestock is being kept safe.” Paul Yeager, “*Ag Gag*” *Bill Passes Iowa Legislature*, Iowa Public Television, (March 2, 2012), available at: <http://www.iptv.org/mtom/story/13293/ag-gag-bill-passes-iowa-legislature>.

**Response:** Admitted.

5. Then-State Senate President Jack Kibbie told a reporter for the New York Times that he supported an earlier version of the Ag-Fraud statute, codified at Iowa Code § 717A.3A, because of a concern for bio-security, stating “[t]here’s viruses that can put these producers out of business, whether it’s cattle, hogs or poultry.” Amanda Peterka, *State Legislatures Take Up Bills Barring Undercover Videos of Confined Animal Feeding Operations*, N.Y. Times, (May 5, 2011), available at:

<https://archive.nytimes.com/www.nytimes.com/gwire/2011/05/05/05greenwire-state-legislatures-take-up-bills-barring-under-88103.html>.

**Response:** Admitted.

6. Then-Governor Terry Branstad, who signed the Ag-Fraud bill into law, stated, “If somebody comes on somebody else’s property through fraud or deception or lying, that is a serious violation of people’s rights—and people should be held accountable for that...That’s very different from a whistleblower that sees something that’s wrong, that is there in an appropriate and legal manner.” Ken Anderson, *‘Ag Facility Fraud’ is Now Illegal in Iowa*, Brownfield Ag News, (March 6, 2012), available at: <https://brownfieldagnews.com/news/ag-facility-fraud-is-now-illegal-in-iowa/>.

**Response:** Admitted.

7. Then-Governor Branstad further stated that he supported the bill because “Agriculture is an important part of our economy and farmers should not be subjected to people doing illegal, inappropriate things and being involved in fraud and deception in order to try to disrupt agricultural operations.” Ken Anderson, *‘Ag Facility Fraud’ is Now Illegal in Iowa*, Brownfield Ag News, (March 6, 2012), available at: <https://brownfieldagnews.com/news/ag-facility-fraud-is-now-illegal-in-iowa/>.

**Response:** Admitted.

8. In support of the bill that became the Ag-Trespass statute, codified at Iowa Code § 717A.3B, Sen. Ken Rozenboom stated: “The need for managing strict biosecurity practices is a critical component of this bill.” Iowa Senate Floor Debate of House File 649/Senate File 519 (March 12, 2019), available at <https://www.legis.iowa.gov/dashboard?view=video&chamber=S&clip=s20190312090629454&dt=2019-03-12> (11:59:20-11:59:58).

**Response:** Admitted.

9. In support of the bill that became the Ag-Trespass statute, codified at Iowa Code § 717A.3B, Rep. Jarad Klein stated: “Farmers are protected from people who lie to get a job whose intent is to cause harm not just in social media but in biosecurity and life and health of their livestock.” Iowa House Floor Debate of House File 649/Senate File 519 (March 12, 2019), available at <https://www.legis.iowa.gov/dashboard?view=video&chamber=H&clip=h20190312022717298&dt=2019-03-12> (4:08:30-4:08:47).

**Response:** Admitted.

10. In support of the bill that became the Ag-Trespass statute, codified at Iowa Code § 717A.3B, Rep. Bruce Bearinger stated: “It’s an unfortunate bill. But in this era of high-risk bioterrorism and the extreme need for biosecurity and extremism, it’s an important bill to protect our agriculture entities across Iowa.” Iowa House Floor Debate of House File 649/Senate File 519 (March 12, 2019), available at <https://www.legis.iowa.gov/dashboard?view=video&chamber=H&clip=h20190312022717298&dt=2019-03-12> (3:58:35-3:58:55).

**Response:** Admitted.

Dated this 1st day of June, 2020

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**Certificate of Service**

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

All participants in this case are registered CM/ECF users and will served by the CM/ECF system.

Date: June 1, 2020

/s/ Matthew Strugar  
Matthew Strugar