

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ANIMAL LEGAL DEFENSE)	
FUND, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 18-2657-KHV-JPO
)	
LAURA KELLY, <i>et al.</i>,)	
)	
Defendants.)	
)	

PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT

Plaintiffs Animal Legal Defense Fund (“ALDF”), Center for Food Safety (“CFS”), Shy 38, Inc. (“Shy”), and Hope Sanctuary (“Hope”), pursuant to Fed. R. Civ. P. 56, hereby move this Court for an order entering judgment in their favor on all their claims, and enjoining Defendants Laura Kelly’s and Derek Schmidt’s enforcement of the Kansas Ag-Gag law, K.S.A. 47-1825 – 47-1828.

As explained in the accompanying Memorandum in Support of Plaintiffs’ Motion for Summary Judgment, and Appendix of affidavits and exhibits:

1. The uncontroverted evidence demonstrates that Plaintiffs have standing to pursue this constitutional challenge to the Kansas Ag-Gag law. Plaintiff ALDF is being unconstitutionally chilled from engaging in First Amendment-protected activity by the reasonable fear of prosecution under the law. The Ag-Gag law has further unlawfully deprived all Plaintiffs of information that each depends upon to further its mission, necessitating ALDF’s and CFS’s diversion of resources to address the resulting harms to

their missions. The Plaintiffs' injuries are fairly traceable to the Kansas Ag-Gag law, and would be redressed by the law's invalidation.

2. The Kansas Ag-Gag law is unconstitutional. It criminalizes protected speech-facilitating conduct and speech. It is a content- and viewpoint-discriminatory statute that cannot survive heightened, let alone strict, scrutiny. And it is unconstitutionally overbroad. The law was passed with the purpose, and has had the effect, of criminalizing and silencing undercover investigations, like those ALDF conducts, of animal production facilities. The information made public through such investigations in other jurisdictions has triggered legislative and regulatory changes, corporate reforms, criminal prosecutions, and consumer boycotts. Undercover investigations of animal facilities have generated countless news stories and constitute a major part of the dialogue on matters of vital public concern, including the safety and integrity of the U.S. food system. Kansas's criminalization of them cannot stand.

Dated this 16th day of September, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019, I electronically filed the foregoing document with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing on the following:

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