

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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,

vs.

KIMBERLY REYNOLDS, GOVERNOR; TOM  
MILLER, ATTORNEY GENERAL OF IOWA; and  
BRUCE E. SWANSON, MONTGOMERY  
COUNTY ATTORNEY,

Defendants.

**4:17-cv-00362–JEG-HCA**

**MOTION FOR ENTRY OF FINAL  
JUDGMENT & PERMANENT  
INJUNCTION**

Plaintiffs 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 hereby move for entry of a final judgment and permanent injunction.

On January 9, 2019, this Court entered an order granting Plaintiffs’ Motion for Summary Judgment and denying Defendant’s Motion for Summary Judgment. Order, ECF No. 79. The Court found that Iowa Code § 717A.3A failed First Amendment scrutiny under both strict and intermediate scrutiny. *Id.* at 13-19. The Court dismissed Plaintiffs’ Fourteenth Amendment Due Process Claim as moot. *Id.* at 19-20. The Court stated that it would await additional briefing by the parties “on the specific injunctive relief and the claim for legal fees.” *Id.* at 20.

Between January 11, 2019 and January 28, 2019, the parties discussed the possibility of agreeing to a proposed injunction and/or judgment. Plaintiffs proposed an injunction that would 1) declare Iowa Code § 717A.3A unconstitutional; 2) enjoin Defendants from enforcing it; 3) dismiss Plaintiffs’ Due Process claim as moot; and 4) state that Plaintiffs could seek attorneys’

fees and costs by subsequent motion. Defendants ultimately told Plaintiffs they could not agree to the proposed injunction but did not inform Plaintiffs of the basis of their objection.

Plaintiffs' Proposed Final Judgment and Permanent Injunction, attached here, tracks this Court's January 9, 2019 order and should be uncontroversial. It simply declares the challenged statute facially unconstitutional and enjoins further enforcement.

Plaintiffs request that the Court enter the Proposed Final Judgment and Permanent Injunction without further delay.<sup>1</sup> Each day that Iowa Code § 717A.3A is not enjoined is an additional injury to Plaintiffs and whistleblowers generally.

Dated this 30th day of January, 2019

/s/ Matthew Strugar

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<sup>1</sup> Consistent with Fed. R. Civ. P. 25(d)(2)(B)(i), Plaintiffs intend to file a motion for an award of attorneys' fees and costs within 14 days after this Court enters judgment. Defendants informed Plaintiffs that they are not willing to negotiate or stipulate to any agreed-upon attorneys' fees and costs in this matter.

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Attorneys for Plaintiffs

**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: January 30, 2019

/s/ Matthew Strugar  
Matthew Strugar