

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

ANIMAL LEGAL DEFENSE FUND;
ANIMAL EQUALITY; CENTER FOR
BIOLOGICAL DIVERSITY; and FOOD
CHAIN WORKERS ALLIANCE

PLAINTIFFS

v.

No. 4:19-CV-00442-JM

JONATHAN and DEANN VAUGHT,
D/B/A PRAYER CREEK FARM; and
PECO FOODS, INC.

DEFENDANTS

PECO FOODS, INC.'S MOTION TO DISMISS

Defendant Peco Foods, Inc. ("Peco") moves to dismiss Plaintiffs' complaint pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure and, in support, states:

1. Plaintiffs do not have standing to bring this lawsuit against Peco and therefore their claims against Peco must be dismissed under Rule 12(b)(1).

2. Plaintiffs fail to state a claim upon which relief can be granted against Peco because Plaintiffs have no statutory basis for their causes of action against Peco, which are based on the First and Fourteenth Amendments of the U.S. Constitution. Furthermore, Peco is a private party who is not subject to any limitations imposed by the First and Fourteenth Amendments of the U.S. Constitution. Plaintiffs claims should be dismissed pursuant to Rule 12(b)(6).

3. Plaintiffs' claims are not ripe and should be dismissed pursuant to Rule 12(b)(1).

4. As a result, this Court should dismiss under Rules 12(b)(1) and (6).

5. Attached hereto as Exhibit A is a May 29, 2019, letter from Plaintiffs Animal Legal Defense Fund and Animal Equality to Peco.

6. Attached hereto as Exhibit B is a May 29, 2019, letter from Plaintiffs Animal Legal Defense Fund and Animal Equality to Peco.

7. A brief in support is filed with this motion and incorporated by reference.

WHEREFORE, Peco Foods, Inc., asks that the Court dismiss the complaint and enter judgment in its favor, for its attorneys' fees and costs, and for all other proper relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to counsel listed below.

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