

**IN THE UNITED STATES DISTRICT COURT
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-442-JM

**JONATHAN and DeANN VAUGHT, doing
Business as Prayer Creek Farm, and PECO
FOODS, INC.**

DEFENDANTS

**MOTION TO DISMISS OF SEPARATE
DEFENDANTS JONATHAN AND DEANN VAUGHT**

Separate defendants Jonathan and DeAnn Vaught (“Jon and DeAnn”), by and through their undersigned counsel Lax, Vaughan, Fortson, Rowe & Threet, P.A., move to dismiss the plaintiffs’ complaint pursuant to Rules 12(b)(1), (6) of the Federal Rules of Civil Procedure, and in support thereof state:

1. The plaintiffs’ complaint attempts a facial challenge to an Act passed by the Arkansas General Assembly and signed into law by the Governor during the 2019 regular legislative session, Ark. Code Ann. § 16-118-113 (the “Act”). The plaintiffs allege that they are nonprofit organizations who are seeking to advance their own public interest agendas. Jon and DeAnn are named as defendants ostensibly because they own and operate a hog farm in Sevier County, Arkansas, not because of anything they have done.

2. The complaint should be dismissed as to Jon and DeAnn pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction by reason of lack of standing, lack of ripeness, and absence of a case and controversy. In support of these grounds for dismissal of the complaint, Jon and DeAnn attach as Exhibit 1 a letter dated May 29, 2019 from two of the plaintiffs. Exhibit 1 is incorporated herein by reference.

3. The complaint should be dismissed as to Jon and DeAnn pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim on which relief can be granted.

4. This motion is supported by a separate memorandum brief attached hereto and incorporated herein by reference.

WHEREFORE, separate defendants Jonathan and DeAnn Vaught move to dismiss the plaintiffs' complaint against them pursuant to Federal Rules of Civil Procedure 12(b)(1), (6), for their costs and attorney's fees, and for all other proper relief.

Respectfully Submitted,

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By: /s/ Roger D. Rowe
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July 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 the following counsel of record:

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