In The United States District Court
For The Southern District of Iowa

ANIMAL LEGAL DEFENSE FUND; PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.; BAILING OUT BENJI; FOOD & WATER WATCH; and IOWA CITIZENS FOR COMMUNITY IMPROVEMENT *Plaintiffs*, v. **KIM REYNOLDS**, in her official capacity as Governor of Iowa, **TOM MILLER**, in his official capacity as Attorney General of Iowa, **VANESSA STRAZDAS**, in her official capacity as Cass County Attorney, **CHUCK SINNARD**, in his official capacity as Dallas County Attorney, and **JOHN GISH,** in his official capacity as Washington County Attorney *Defendants*.	Case No.: 4:21-cv-00231 **PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, A PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rules 7 and 56, Plaintiffs submit this motion for summary judgment or, in the alternative, a preliminary injunction.

I.   Section § 727.8A fails First Amendment scrutiny and is overbroad therefore it is facially invalid.

In light of the declarations submitted in support of this motion, the plain text of Iowa law, and Defendants' admissions in their Brief in Support of Motion to Dismiss of Defendants, Dkt. No. 19, there is no dispute of material fact, Iowa Code § 727.8A is unconstitutional and unenforceable because it fails First Amendment scrutiny and is overbroad. Pursuant to 28 U.S.C. § 2201, Federal Rules of Civil Procedure 57 and 65, and this Court's inherent equitable powers, Plaintiffs ask for a declaration to this effect and for an injunction preventing Defendants and all people in concert with them from enforcing Iowa Code § 727.8A.

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II. **Plaintiffs have at the least shown they are likely to prevail on the argument § 727.8A is unconstitutional and therefore a preliminary injunction is warranted.**

In the alternative, for these same reasons, Plaintiffs contend they are likely to prevail on the merits and therefore should the Court deny summary judgment, Plaintiffs request a preliminary injunction preventing Defendants and all people in concert with them from enforcing Iowa Code § 727.8A. Defendants should not be allowed to squelch speech by delaying resolution of this litigation.

Plaintiffs have informed Defendants of their intent to file this motion. Defendants stated they intend to resist these requests and argue that Plaintiffs' request for summary judgment is premature. However, Defendants failed to identify any facts on which they would require discovery.

November 12, 2021

Respectfully submitted,

/s/ David S. Muraskin
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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 participates in this case are registered CM/ECF users and will be served by that system.

Date: November 12, 2021   _/s/ David S. Muraskin_____

David S. Muraskin*