

**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,

vs.

KIMBERLEY K. 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.

No. 21-cv-00231-RP-HCA

MOTION TO DISMISS

Defendants Kimberley Reynolds, Tom Miller, Vanessa Strazdas, Chuck Sinnard, and John Gish (hereafter collectively referred to as “Defendants”), pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) and Local Rule 7, hereby submit this Motion to Dismiss for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted. In support, they state as follows:

1. In their Complaint, Plaintiffs allege violations of their constitutional rights under the First Amendment of the U.S. Constitution against Defendants.

2. Plaintiffs' First Cause of Action asserts Iowa Code section 727.8A ("Trespass Surveillance statute") is unconstitutional on its face and as applied to Plaintiffs under the First Amendment.

3. Plaintiffs' Second Cause of Action asserts Iowa's Trespass Surveillance statute is overbroad in violation of the First Amendment.

4. Plaintiffs' Complaint should be dismissed in its entirety since, as a matter of law, the Court does not have subject-matter jurisdiction over Plaintiffs' claims as they lack standing and their as applied claims are not ripe. In addition, assuming *arguendo* they have standing and their claims are ripe, Plaintiffs fail to state a claim for violations of their First Amendment rights as a matter of law.

WHEREFORE, Plaintiffs' Complaint should be dismissed its entirety.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies 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 be served by the CM/ECF system.

DATE: October 8, 2021

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