

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., CENTER FOR FOOD
SAFETY,

Plaintiffs,

vs.

KIMBERLY REYNOLDS, GOVERNOR; TOM
MILLER, ATTORNEY GENERAL OF IOWA;
AND DREW B. SWANSON, MONTGOMERY
COUNTY ATTORNEY;

Defendants.

4:17-cv-00362-JEG-HCA

ORDER FOR BRIEFING

ANIMAL LEGAL DEFENSE FUND,
BAILING OUT BENJI, IOWA CITIZENS
FOR COMMUNITY IMPROVEMENT,
PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS, INC., CENTER FOR FOOD
SAFETY,

Plaintiffs,

vs.

KIMBERLY REYNOLDS, GOVERNOR OF
IOWA; THOMAS MILLER, ATTORNEY
GENERAL OF IOWA; AND DREW B.
SWANSON, MONTGOMERY COUNTY,
IOWA COUNTY ATTORNEY;

Defendants.

4:19-cv-00124-JEG-HCA

ORDER FOR BRIEFING

On December 8, 2021, the Court held a status conference with counsel in these two related cases. The Eighth Circuit Court of Appeals has issued an opinion in 4:17-cv-00362 [ECF

No. 107], affirming in part and reversing in part Judge Gritzner's ruling on Plaintiffs' Motion for Summary Judgment [ECF no. 79]. During the scheduling conference, the Court discussed with the parties the impact that the 8th Circuit opinion may have concerning both 4:17-cv-00362 and 4:19-cv-00124. During the status conference, the parties also referenced *Animal Legal Def. Fund v. Kelly*, 9 F.4th 1219 (10th Cir. 2021) ("*Kelly*") indicating that *Kelly* also may have relevance to the issues in the pending cases.

The Court now requests supplemental briefing by the parties regarding what impact or effect they believe the 8th Circuit opinion and/or *Kelly* has on the issues, including any pending motions, in both cases. The parties may file one consolidated brief, not to exceed 25 pages, in the two cases. Plaintiffs shall file their brief by **January 18, 2022**. The Defendants shall file their response brief by **February 18, 2022**. Plaintiffs shall file any reply brief by **March 4, 2022**.

IT IS SO ORDERED.

DATED this 9th day of December, 2021.



Helen C. Adams
Chief U.S. Magistrate Judge