

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PLANT BASED FOODS
ASSOCIATION, and TURTLE ISLAND
FOODS d/b/a THE TOFURKY
COMPANY,

Plaintiffs,

v.

KEVIN STITT, in his official capacity as
Oklahoma Governor, and BLAYNE
ARTHUR, in her official capacity as
Oklahoma Commissioner of Agriculture,

Defendants.

Case No. CIV-20-938-F

PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT

Plaintiffs the Plant Based Foods Association (PBFA) and Turtle Island Foods SPC d/b/a Tofurky Company (Tofurky) respectfully move for summary judgment on the affirmative claims made in their Amended Complaint (Doc. No. 59). Pursuant to LCvR 56.1(b); LCvR 7.1(c), and this Court's Order Granting Plaintiffs' Unopposed Motion for Leave to File Oversized Brief, Doc. 171, a brief in support of this Motion, together with Plaintiffs' Statements of Undisputed Fact, is filed separately.

As set forth in Plaintiffs' Combined Brief in opposition to Defendants' Motion for Summary Judgment and Defendants' Notice of Supplemental Authority and Supplemental Brief and in support of Plaintiffs' Cross-Motion for Summary Judgment, the Court should grant Plaintiffs' Motion for Summary Judgment and hold that OKLA. STAT. tit. 2 § 5-107 is unconstitutional.

“A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought.” Fed. R. Civ. P. 56(a). A court must grant a motion for summary judgment if the moving party shows that there are no genuine disputes of material fact and that it is entitled to judgment as a matter of law. *Id.*

WHEREFORE, Plaintiffs respectfully request that the Court enter summary judgment in favor of Plaintiffs on the affirmative claims made in the operative First Amended Complaint as well as any other relief this Court deems just and proper.

Dated: May 30, 2023

Respectfully submitted,

s/ Amanda Howell

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was made available to all electronic filing participants.

/s/ Amanda Howell