

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRIUMPH FOODS, LLC, *et al.*,

Plaintiffs,

v.

ANDREA JOY CAMPBELL, *et al.*,

Defendants.

CIVIL ACTION
1:23-cv-11671-WGY

**MOTION BY THE STATE OF IOWA AND 12 OTHER STATES FOR LEAVE
TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS**

The State of Iowa and 12 other States respectfully move for leave to submit the attached *amicus curiae* brief in support of Plaintiffs. Iowa is the number one pork-producing state in the United States and the top state for pork exports. The pork industry employs more than 147,000 Iowans and contributes billions of dollars annually to the economy. Beyond Iowa, the pork industry is a major economic driver in many States. Massachusetts Question 3 will disrupt that industry by imposing stringent requirements inconsistent with industry practices on pig farmers and pork processors in Iowa and other pork-producing states. Those costly mandates will substantially burden the national pork market and increase the price of pork for all Americans. For these reasons, Iowa has a critical interest in the outcome of this litigation.

Federal district courts possess the inherent authority to accept amicus briefs. *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at *1 n.1 (D. Mass. 2006).

The role of an *amicus curiae* “is to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by ensuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.) (internal quotations omitted). Indeed, federal district courts “frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005).

No Federal Rule or statute dictates how district judges decide petitions to appear as *amicus curiae*. But most courts “look to the Federal Rules of Appellate Procedure for guidance on permitting amicus briefs.” *Friends of Animals v. United States Fish & Wildlife Serv.*, 2021 WL 4440347, at *1 (D. Utah 2021). The Federal Rules of Appellate Procedure allow a State to file an amicus brief “without the consent of the parties or leave of court.” Fed. R. App. P. 29(a)(2). That rule reveals a strong policy preference for allowing States to provide their perspective and represent their interests.

Because of Iowa’s position as the top pork-producing state in the nation, the State has a unique perspective “that can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997). This Court would benefit from following the guidance of the Federal Rules and granting the motion.

CONCLUSION

For the above reasons, the State of Iowa and 12 other States request the Court's leave to file an amicus brief.

Dated: October 10, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on October 10, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically sends email notification of such filing to registered participants. Any other counsel of record will receive the foregoing via email in PDF format.

/s/ Eric Wessan
Eric Wessan