

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRIUMPH FOODS, LLC, CHRISTENSEN FARMS MIDWEST, LLC, THE HANOR COMPANY OF WISCONSIN, LLC, NEW FASHION PORK, LLP, EICHELBERGER FARMS, INC., and ALLIED PRODUCERS' COOPERATIVE, individually and on behalf of its members,

Plaintiffs,

v.

ANDREA JOY CAMPBELL, in her official capacity as Attorney General of Massachusetts, and ASHLEY RANDLE, in her official capacity as Massachusetts Commissioner of Agriculture,

Defendants.

CIVIL ACTION
NO. 1:23-cv-11671-WGY

**DEFENDANTS'
MOTION TO DISMISS THE AMENDED COMPLAINT
FOR LACK OF ARTICLE III JURISDICTION**

Defendants, Andrea Joy Campbell, in her official capacity as Attorney General of Massachusetts, and Ashley Randle, in her official capacity as Massachusetts Commissioner of the Department of Agricultural Resources, hereby move to dismiss the Plaintiffs' amended complaint under Federal Rules of Civil Procedure 12(b)(1).

For the Court to have jurisdiction under Article III of the U.S. Constitution, a plaintiff must demonstrate that it has suffered an injury in fact that is concrete, particularized, and actual or imminent. Plaintiff Triumph Foods, LLC ("Triumph") has not made this demonstration. While Massachusetts customers have bought millions of pounds of Triumph product, all sales of Triumph product are controlled by Seaboard Foods, LLC ("Seaboard"), a non-party, under an

agreement between Triumph and Seaboard. Triumph has not shown that Seaboard cannot continue to meet its obligation to sell Triumph product pursuant to the agreement, regardless of Massachusetts' policies. Triumph has not substantiated harm *to Triumph* causally connected to the Massachusetts Prevention of Farm Animal Cruelty Act. Given each Plaintiffs' reliance on Triumph's standing for establishing jurisdiction, and Triumph's failure to make the necessary showing at this stage of the proceedings, the entire Amended Complaint is subject to dismissal for lack of jurisdiction.

For the reasons stated in Defendants' Memorandum in Support of Their Motion to Dismiss the Amended Complaint for Lack of Article III Jurisdiction, which Defendants respectfully incorporate herein, Defendants respectfully request that the Court dismiss the Amended Complaint.

Respectfully submitted,

ANDREA JOY CAMPBELL, in her official capacity as Attorney General of Massachusetts, and

ASHLEY RANDLE, in her official capacity as Commissioner of the Massachusetts Department of Agricultural Resources,

By their attorneys,

/s/ Maryanne Reynolds

Maryanne Reynolds, BBO No. 627127

Assistant Attorney General

Massachusetts Office of the Attorney General

Constitutional and Administrative Law Division

10 Mechanic Street, Suite 301

Worcester, MA 01608

774-214-4407

maryanne.reynolds@mass.gov

Grace Gohlke, BBO No. 704218

Vanessa A. Arslanian, BBO No. 688099

Assistant Attorneys General

Massachusetts Office of the Attorney General
Constitutional and Administrative Law Division
One Ashburton Place
Boston, MA 02108
617-963-2527
grace.gohlke@mass.gov
617-963-2107
vanessa.arslanian@mass.gov

Dated: December 18, 2023

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that prior to filing this motion I conferred with opposing counsel on December 18, 2023, by emails exchanged, and attempted in good faith to resolve or narrow the issue. Counsel requested additional time to confer on the Exhibit B, which Defendants have honored, and therefore are not filing Exhibit B until further conference, which the parties expect will occur on December 19. Counsel further requested that the motion not be filed until after further conference, which they proposed be held after the December 19 case stated hearing. Defendants declined.

/s/ Maryanne Reynolds
Maryanne Reynolds
Assistant Attorney General

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Maryanne Reynolds
Maryanne Reynolds
Assistant Attorney General

Dated: December 18, 2023