

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

**IOWA CITIZENS FOR COMMUNITY
IMPROVEMENT and PEOPLE FOR THE
ETHICAL TREATMENT OF ANIMALS, INC.**

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as
Governor of Iowa, **BRENNA BIRD**, in her official
capacity as Attorney General of Iowa, **VANESSA
STRAZDAS**, in her official capacity as Cass
County Attorney, **JEANNINE RITCHIE**, in her
official capacity as Dallas County Attorney, and
NATHAN REPP in his official capacity as
Washington County Attorney

Defendants.

Case No.: 4:21-cv-00231

JOINT STATUS REPORT

Pursuant to the Court's Order, Dkt. No. 58, the parties jointly submit this status report concerning (1) a joint stipulation of facts and (2) a proposed briefing schedule.

1. Regarding the stipulation of facts: Plaintiffs provided Defendants a list of all facts on which they intended to rely in this matter. Defendants stated they would not stipulate to facts regarding Plaintiffs' standing, but Defendants understood and agreed Plaintiffs could and would seek summary judgment based on those facts.

The parties have reached stipulations regarding the following:

- i. Iowa House Floor Debate of House File 775 (March 23, 2021), available at <https://www.legis.iowa.gov/dashboard?view=video&chamber=H&clip=h20210323044840655&dt=2021-03-23&offset=370&bill=HF%20775&status=i&ga=89>, is

a true and accurate recording of the debate on the law that became Iowa Code section 727.8A.

- ii. Iowa Senate Floor Debate of House File 775 (April 6, 2021), available at <https://www.legis.iowa.gov/dashboard?view=video&chamber=S&clip=s20210406012724727&dt=2021-04-06&offset=27327&bill=HF%20775&status=r&ga=89>, is a true and accurate recording of the debate on the law that became Iowa Code section 727.8A.
- iii. Iowa House Floor Debate of House File 775 (April 12, 2021), available at <https://www.legis.iowa.gov/dashboard?view=video&chamber=H&clip=h20210412060521589&dt=2021-04-12&offset=829&bill=HF%20775&status=r&ga=89>, is a true and accurate recording of the debate on the law that became Iowa Code section 727.8A.
- iv. The Iowa Legislature did not receive any formal, sworn testimony from any witnesses concerning House File 775 that became Iowa Code section 727.8A.
- v. The Iowa Legislature did not receive or produce any formal reports or exhibits as part of the legislative record for House File 775 that became Iowa Code section 727.8A.

Defendants have further stated that they consent to the Court taking judicial notice of any facts in the materials they have stipulated are true and accurate and any other facts contained on the Iowa legislature's website for House File 775 that became Iowa Code section 727.8A, <https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=HF775>.

Further, the parties all reserved their rights to seek discovery pursuant to Federal Rule of Civil Procedure 56(d), depending on how the arguments and issue develop in the briefing. The

parties all also reserved their rights to object to any discovery sought. Further, should a Rule 56(d) motion be granted, the parties all reserved their rights to seek all protections allowed under the rules, including, but not limited to, a protective order governing the treatment and disclosure of any materials exchanged in discovery.

2. Regarding the briefing schedule: Defendants have informed Plaintiffs that they intend to raise legal issues that they wish to style as a motion to dismiss, and, as noted above, recognize that Plaintiffs will seek summary judgment relying on the facts they have provided to Defendants, although modified to be submitted as evidence in support of summary judgment. Because the parties anticipate the issues in Defendants' and Plaintiffs' motions and briefs will overlap, they recommend the following briefing schedule:

Defendants submit their motion and opening brief approximately seven weeks from the status conference, on or before June 14, 2024.

Plaintiffs submit their combined resistance and briefing in support of their motion for summary judgment seven weeks later, on or before August 2, 2024.

Defendants submit their combined reply in support of their motion to dismiss and resistance to Plaintiffs' motion for summary judgment seven weeks later, on or before September 20, 2024.

Plaintiffs submit their reply in support of their motion for summary judgment four weeks later, on or before October 18, 2024.

Should the Court prefer the parties to submit separate briefing regarding Defendants' motion to dismiss and Plaintiffs' motion for summary judgment, the parties request the same schedule with the briefing on the motion for summary judgment to be delayed by two weeks to avoid the parties having to finalize two briefs at the same time. In that circumstance, the above dates would hold for Defendants' motion and opening brief, Plaintiffs' resistance thereto, and

Defendants' reply in support of their motion. But Plaintiffs' motion for summary judgment and brief in support would be due on or before, August 16, 2024, Defendants' resistance thereto would be due on or before October 4, 2024, and Plaintiffs' reply in support of their motion would be due on or before November 1, 2024.

Should Defendants or Plaintiffs file a Rule 56(d) motion, the parties agree to work in good faith to propose an alternative deadline to the Court. The parties also discussed expanding the agreed upon page limits, but agreed instead that each party can seek to file an overlength brief at the time of filing should that be necessary.

April 22, 2024

Respectfully submitted,

/s/ David S. Muraskin
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify 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 served by the CM/ECF system.

Date: April 22, 2024

/s/ David S. Muraskin

David S. Muraskin