

**In The United States District Court
For The Southern District of Iowa
Central Division**

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

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

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT
SEEKING AS-APPLIED
RELIEF**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rules 7 and 56, Plaintiffs Iowa Citizens for Community Improvement (“ICCI”) and People for the Ethical Treatment of Animals, Inc. (“PETA”) submit this motion for summary judgment.

I. Section 727.8A fails First Amendment scrutiny as applied to Plaintiffs.

In light of the declarations submitted in support of this motion and Defendants’ admissions throughout the course of this litigation, there is no dispute of material fact that Iowa Code § 727.8A is unconstitutional and unenforceable as applied to PETA, ICCI, and ICCI’s members with respect to the activities described in their declarations as chilled because § 727.8A fails required First Amendment scrutiny when applied to those activities. Pursuant to 28 U.S.C. § 2201, Federal Rules of Civil Procedure 57 and 65, and this Court’s inherent equitable powers, Plaintiffs ask for a declaration to this effect and for an injunction preventing Defendants and all people in concert

with them from enforcing Iowa Code § 727.8A against PETA, ICCI, and ICCI's members when they engage in the chilled activities identified in their declarations.

Plaintiffs have informed Defendants of their intent to file this motion. Defendants stated they intend to resist these requests.

August 16, 2024

Respectfully submitted,

/s/ David S. Muraskin

David S. Muraskin*

FarmSTAND

712 H Street NE, Suite 2534

Washington, DC 20002

(202) 630-3095

david@farmstand.org

Roxanne Conlin AT0001642

Devin Kelly AT0011691

Roxanne Conlin & Associates, P.C.

3721 SW 61st Street, Suite C

Des Moines, Iowa 50321

(515) 283-1111

roxanne@roxanneconlinlaw.com

dkelly@roxanneconlinlaw.com

Matthew Strugar*

Law Office of Matthew Strugar

3435 Wilshire Blvd., Suite 2910

Los Angeles, CA 90010

(323) 696-2299

matthew@matthewstrugar.com

Counsel for Plaintiffs

Aaron Frazier*
Foundation to Support Animal Protection
(PETA Foundation)
501 Front Street
Norfolk, VA 23510
(757) 622-7382
AaronF@PetaF.org
*Counsel for People for the Ethical Treatment
of Animals, Inc.*

*Pro Hac Vice Admission

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 be served by that system.

Date: August 16, 2024

/s/ David S. Muraskin

David S. Muraskin