

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

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

Plaintiffs,

vs.

KIMBERLEY K. 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.

No. 21-cv-00231-RP-HCA

MOTION TO DISMISS

Defendants Kimberley Reynolds, Brenna Bird, Vanessa Strazdas, Jeannine Ritchie, and Nathan Repp (hereafter collectively referred to as “Defendants”), pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) and Local Rule 7, hereby submit this Motion to Dismiss for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted. In support, they state as follows:

1. In their Complaint, Plaintiffs allege violations of their constitutional rights under the First Amendment of the U.S. Constitution against Defendants.

2. In *Animal Legal Def. Fund v. Reynolds*, the Eighth Circuit rejected Plaintiffs’ First Amendment facial challenge to Iowa Code section 727.8A (“Trespass-Surveillance statute”),

holding the statute was not overbroad and satisfied intermediate scrutiny. 89 F.4th 1071 (8th Cir. 2024) (“*ALDF III*”).

3. Plaintiffs’ remaining claim under their First Cause of Action asserts the Trespass-Surveillance statute is unconstitutional as-applied to Plaintiffs under the First Amendment.

4. Plaintiffs’ Complaint should be dismissed in its entirety since, as a matter of law, the Court does not have subject-matter jurisdiction over Plaintiffs’ claims as they lack standing and their claims are not ripe. In addition, assuming *arguendo* they have standing and their claims are ripe, Plaintiffs fail to state a claim for violations of their First Amendment rights as a matter of law.

WHEREFORE, Plaintiffs’ Complaint should be dismissed its entirety.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, I electronically filed this 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 the CM/ECF system.

DATE: June 13, 2024

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