

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

Turtle Island Foods, SPC, doing business as
The Tofurky Company

Plaintiff,

v.

Case No. 4:19-cv-514-KGB

Nikhil Soman, in his official capacity as Director
of the Arkansas Bureau of Standards

Defendant.

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Turtle Island Foods SPC, d/b/a The Tofurky Company, moves this Court for a preliminary injunction prohibiting Defendant from enforcing the challenged provisions of Arkansas Act 501, Ark. Code Ann. § 2-1-301, *et seq.* The provisions challenged in this lawsuit are Ark. Code Ann. §§ 2-1-305(2), (5), (6), (8), (9), and (10).

As more fully explained in the accompanying brief, a preliminary injunction is warranted because: (i) Plaintiff is likely to succeed of its claim that Act 501 violates its rights under the First and Fourteenth Amendments; (ii) Plaintiff will suffer irreparable harm if the Act is not enjoined; (iii) the balance of equities tips strongly in Plaintiff's favor; and (iv) the public interest will be served by a preliminary injunction enforcing the Constitution. Plaintiff further requests that, given the nature of the relief sought, bond be waived should the Court grant preliminary injunctive relief.

This Motion is based upon the Complaint filed in this case, the memorandum of law filed herewith, and the following documents:

1. Attached as **Exhibit 1** is a true and accurate copy of the August 13, 2019, Declaration of Jaime Athos.
2. Attached as **Exhibit 2** is a true and accurate copy of the August 12, 2019, Declaration of Mark Onley.
3. Attached as **Exhibit 3** is a true and accurate copy of the August 13, 2019, Declaration of Candice Misenheimer.
4. Additionally, Plaintiff will file and serve as **Exhibit 4** a DVD containing downloaded video recordings of legislative hearings concerning Act 501.
 - (A) the February 27, 2019 Hearing of the Agriculture, Forestry & Economic Development Committee of the Arkansas House of Representatives concerning House Bill 1407;
 - (B) the March 4, 2019 floor session presentation of House Bill 1407 to the Arkansas House of Representatives; and
 - (C) the March 13, 2019 floor presentation of House Bill 1407 to the Arkansas Senate.

WHEREFORE, Plaintiff respectfully requests that the Court issue a preliminary injunction prohibiting Defendant from enforcing the challenged provisions of Act 501.

Respectfully submitted,

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* *pro hac vice* motions pending

Counsel for Plaintiff