

**In The United States District Court  
For The Middle District of North Carolina  
Greensboro Division**

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.; CENTER FOR FOOD SAFETY; ANIMAL LEGAL DEFENSE FUND; FARM SANCTUARY; FOOD & WATER WATCH; GOVERNMENT ACCOUNTABILITY PROJECT; FARM FORWARD; and AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

*Plaintiffs,*

v.

JOSH STEIN, in his official capacity as Attorney General of North Carolina, and DR. KEVIN GUSKIEWICZ, in his official capacity as Chancellor of the University of North Carolina-Chapel Hill,

*Defendants,*

And

NORTH CAROLINA FARM BUREAU FEDERATION, INC.,

*Intervenor-Defendant.*

Case No.: 1:16-cv-25

**PLAINTIFFS' SECOND  
SUGGESTION OF  
SUPPLEMENTAL  
AUTHORITY**

Plaintiffs submit this suggestion of supplemental authority to notify the Court of the decision in *Animal Legal Defense Fund v Kelly*, No. 18-2657, Dkt. No. 63 (D. Kan. Jan. 22, 2020) (attached), which strikes down three of the four provisions of Kansas' "Ag-Gag" law on the basis that they violate the First Amendment.

The new decision is lengthy and thus Plaintiffs direct the Court's attention to the following pages as particularly relevant to the issues before it in this matter:

(a) pages 31-32, which hold that a law that prohibits “unconsented *entry* onto property” and also restricts what “plaintiffs may or may not say” or “taking pictures at an animal facility regulates speech for First Amendment purposes”;

(b) page 34, which holds that if one must “examine the content of speech to determine” if a statute applies, the statute is a content-based restriction on speech;

(c) page 35, which holds that a law that “targets negative views about animal facilities ... discriminates based on viewpoint”; and

(d) pages 37-38, which hold that a law purportedly designed to protect “privacy and property rights of animal facility owners,” but that does “not prevent *everyone* from violating the property and privacy rights of animal facility owners” is “hopelessly underinclusive” and thus cannot survive strict scrutiny.

January 24, 2019

Respectfully submitted,

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