

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC.;)
ANIMAL LEGAL DEFENSE FUND;)
CENTER FOR FOOD SAFETY; FOOD &)
WATER WATCH; FARM SANCTUARY;)
GOVERNMENT ACCOUNTABILITY)
PROJECT; AMERICAN SOCIETY FOR)
THE PREVENTION OF CRUELTY TO)
ANIMALS; and FARM FORWARD,)
)
Plaintiffs,)
)
v.) 1:16-CV-25
)
JOSHUA STEIN, in his official)
capacity as Attorney General)
of North Carolina; and CAROL)
L. FOLT, in her official)
capacity as Chancellor of the)
University of North Carolina-)
Chapel Hill,)
)
Defendants.)

ORDER

This case came before the court on December 19, 2018, for a status conference on Defendants' motion to dismiss Plaintiffs' amended complaint, following remand from the United States Court of Appeals for the Fourth Circuit. Further argument was heard in open court. For the reasons stated at length from the bench,

IT IS HEREBY ORDERED that Defendants' motion to dismiss (Doc. 30) is GRANTED IN PART and DENIED IN PART as follows: Defendants' motion to dismiss is GRANTED as to counts 3, 4, and 5 of the amended complaint, which allege violations of the North Carolina

Constitution, on the grounds such claims are barred by the Eleventh Amendment to the United States Constitution, and those claims are DISMISSED WITHOUT PREJUDICE; Defendants' motion is otherwise DENIED. The parties are directed to meet and confer regarding a discovery schedule, and the case shall be referred to the assigned United States Magistrate Judge for the setting of an initial pretrial conference.

 /s/ Thomas D. Schroeder
United States District Judge

December 20, 2018