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Attorneys for Proposed Defendant-Intervenors The Humane Society of the United States, Animal Legal Defense Fund, Animal Equality, The Humane League, Farm Sanctuary, Compassion in World Farming USA, and Compassion Over Killing

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NATIONAL PORK PRODUCERS COUNCIL & AMERICAN FARM BUREAU FEDERATION,

Plaintiffs,

v.

KAREN ROSS, in her official capacity as Secretary of the California Department of Food & Agriculture, SONIA ANGELL, in her official capacity as Director of the California Department of Public Health, XAVIER BECERRA, in his official capacity as Attorney General of California

Defendants.

Case No. 19-cv-02324-W-AHG

NOTICE OF UNOPPOSED MOTION AND MOTION FOR LEAVE TO INTERVENE

The Honorable Thomas J. Whelan

Date: January 27, 2020

Location: Courtroom 3C

[NO ORAL ARGUMENT PURSUANT TO LOCAL RULE]

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD,

PLEASE TAKE NOTICE that on January 27, 2020 or as soon thereafter as

1 the matter may be heard before the Honorable Thomas J. Whelan in Courtroom 3C
2 of the United States District Court for the Southern District of California, located at
3 221 West Broadway, San Diego, CA, 92101, Proposed Defendant-Intervenors the
4 Humane Society of the United States, the Animal Legal Defense Fund, Animal
5 Equality, The Humane League, Farm Sanctuary, Compassion in World Farming
6 USA, and Compassion Over Killing (collectively “Proposed Defendant-
7 Intervenors”) will and hereby do move this Court to allow their intervention in the
8 above entitled action under Rule 24 of the Federal Rules of Civil Procedure.¹

9 Proposed Defendant-Intervenors are nonprofit organizations that crafted and
10 sponsored the law challenged by Plaintiffs and are dedicated to preventing farm
11 animal cruelty. Proposed Defendant-Intervenors seek to intervene as defendant-
12 intervenors and to submit the Proposed Answer (Ex. 1).

13 Proposed Defendant-Intervenors are entitled to intervention as of right
14 pursuant to Rule 24(a) of the Federal Rules of Civil Procedure because (1) their
15 application to intervene is timely, (2) they have interests relating to the subject
16 matter of this action, (3) they are so situated that the disposition of this action may,
17 as a practical matter, impede their ability to protect their interests, and (4) their
18 interests are not adequately represented by the Defendants.

19 Alternatively, Proposed Defendant-Intervenors are entitled to permissive
20 intervention pursuant to Rule 24(b) of the Federal Rules of Civil Procedure because
21 (1) this Court has an independent ground for jurisdiction over Proposed Defendant-
22 Intervenors’ defenses based on the federal questions raised in the Plaintiffs’
23 complaint, (2) this application to intervene is timely, (3) the defenses Proposed
24 Defendant-Intervenors seek to assert have questions of law or fact in common with

25 ¹ Proposed Defendant-Intervenors understand that the Court generally does not hold
26 oral argument for motions, and Proposed Defendant-Intervenors are not requesting
27 oral argument, but simply providing the date and time which would be applicable if
28 the Court desired to hold oral argument. Proposed Defendant-Intervenors request
that the Court consider this unopposed motion so that, if intervention is granted,
Proposed Defendant-Intervenors can file their responsive pleading at the same time
as the State Defendants.

1 the present action, and (4) allowing Proposed Defendant-Intervenors to intervene at
2 this early stage of proceedings will not unduly delay or prejudice this Court's
3 adjudication of the original parties' rights.

4 This motion is unopposed by the current parties to the litigation. Both
5 Plaintiffs and the State of California have indicated no opposition to this motion. In
6 order to ensure that Proposed Defendant-Intervenors do not in any way delay or
7 disrupt the litigation, Plaintiffs and Proposed Defendant-Intervenors have entered
8 into an agreement whereby, if intervention is granted, Intervenors will not delay or
9 expand the scope of that proceedings.² In that regard, if the Court grants this
10 motion in time, Proposed Defendant-Intervenors are prepared to file a responsive
11 pleading at the same time as the State.

12 This Motion is based on this Notice of Motion and Motion, the supporting
13 Memorandum of Points and Authorities, supporting declarations with attachments,
14 all pleadings, records and papers filed in this action, such matters as the Court may
15 judicially notice, and such further evidence or argument as may be presented at or
16 before the hearing of this motion.

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22 ² To that end, parties have agreed that upon being granted party status, Intervenors
23 will abide by the same deadlines applicable to original Defendants, with joint
24 filings by all Intervenors. Counsel further agreed that Intervenors will not seek
25 discovery from Plaintiffs or its members and Plaintiffs will not seek discovery from
26 Intervenors or their members, though this agreement does not alter any pre-trial
27 disclosure obligations Plaintiffs or Intervenors have as parties to the litigation under
28 the Federal Rules of Civil Procedure or this Court's rules, nor prohibit either
Plaintiffs or Intervenors from participating in any depositions of witnesses to be
presented. These conditions are identical to those agreed to between the plaintiff
and same Intervenor-Defendants in the similar case pending in the Central District
of California: *North American Meat Institute v. Becerra*, No. 2:19-cv-08659 at Dkt.
43 (C.D. Cal.).

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Dated: December 18, 2019

RILEY SAFER LLP

/s/ Bruce A. Wagman
Bruce A. Wagman (CSB No. 159987)
BWagman@rshc-law.com
RILEY SAFER HOLMES &
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Intervenors*

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5 San Francisco, CA 94104
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8 *Attorneys for Proposed Defendant-Intervenors*
9 *The Humane Society of the United States,*
10 *Animal Legal Defense Fund, Animal Equality,*
11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 SONIA ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**[PROPOSED] ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFFS' COMPLAINT**

The Honorable Thomas J. Whelan

Date: January 27, 2020

Location: Courtroom 3C

**[PROPOSED] ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANT-INTERVENORS**

Pursuant to Federal Rule of Civil Procedure 24(c), The Humane Society of the United States (“HSUS”), the Animal Legal Defense Fund (“ALDF”), Animal Equality, The Humane League, Farm Sanctuary, Compassion in World Farming USA, and Compassion Over Killing (“COK”) (collectively “Defendant-

1 Intervenor”) submit this Answer and Affirmative Defenses to Plaintiffs’
2 Complaint to accompany Defendant Intervenor’s Motion for Leave to Intervene.

3 **INTRODUCTION AND NATURE OF CLAIMS**

4 1. Admit generally, however to the extent this fact may be offered as a legal
5 conclusion, deny.

6 2. Deny.

7 3. Admit generally, however to the extent this fact may be offered as a legal
8 conclusion, deny.

9 4. Defendant-Intervenor is without sufficient knowledge or information to
10 confirm or deny the allegations in this paragraph.

11 5. As to the first sentence, admit generally, however to the extent this fact
12 may be offered as a legal conclusion, deny. As to the second sentence, Defendant-
13 Intervenor is without knowledge or information to confirm or deny the allegations.

14 6. Defendant-Intervenor is without knowledge or information to confirm or
15 deny the allegations in this paragraph.

16 7. Defendant-Intervenor is without sufficient knowledge or information to
17 confirm or deny the allegations in this paragraph.

18 8. Admit generally, however to the extent this fact may be offered as a legal
19 conclusion, deny

20 9. Defendant-Intervenor is without sufficient knowledge or information to
21 confirm or deny the allegations in this paragraph.

22 10. Defendant-Intervenor is without sufficient knowledge or information to
23 confirm or deny the allegations in this paragraph.

24 11. Defendant-Intervenor is without sufficient knowledge or information to
25 confirm or deny the allegations in this paragraph.

26 12. Defendant-Intervenor is without sufficient knowledge or information to
27 confirm or deny the allegations in this paragraph.

28

1 13. Defendant-Intervenors are without sufficient knowledge or information to
2 confirm or deny the allegations in this paragraph.

3 14. Admit.

4 15. Deny.

5 16. Defendant-Intervenors are without sufficient knowledge or information
6 confirm or deny the allegations in this paragraph.

7 17. Defendant-Intervenors are without sufficient knowledge or information
8 confirm or deny the allegations in this paragraph.

9 18. Defendant-Intervenors are without sufficient knowledge or information
10 confirm or deny the allegations in this paragraph.

11 19. Defendant-Intervenors are without sufficient knowledge or information
12 confirm or deny the allegations in this paragraph.

13 20. Defendant-Intervenors are without sufficient knowledge or information
14 confirm or deny the allegations in this paragraph.

15 21. This paragraph contains Plaintiffs' characterization of Proposition 12, to
16 which no response is required, and the Court is referred to that act for a full and
17 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

18 22. This paragraph contains Plaintiffs' characterization of Proposition 12, to
19 which no response is required, and the Court is referred to that act for a full and
20 accurate statement of its provisions.

21 23. This paragraph contains Plaintiffs' characterization of Proposition 12, to
22 which no response is required, and the Court is referred to that act for a full and
23 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

24 24. Deny.

25 25. Deny.

26 26. This paragraph contains Plaintiffs' characterization of Propostion 12, to
27 which no response is required, and the Court is referred to that act for a full and
28 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991. As to

1 the remainder of the paragraph, Defendant-Intervenors are without sufficient
2 knowledge or information confirm or deny the allegations

3 27. Defendant-Intervenors are without sufficient knowledge or information
4 confirm or deny the allegations in this paragraph.

5 28. Deny.

6 29. Deny.

7 30. Deny.

8 31. Deny.

9 32. This paragraph contains Plaintiffs' characterization of their claims and
10 relief sought, and legal conclusions related thereto, for which no response is required.

11 33. Admit generally, however to the extent this fact may be offered as a legal
12 conclusion, deny.

13 JURISDICTION

14 34. This paragraph contains a legal conclusion to which no response is
15 required.

16 35. This paragraph contains a legal conclusion to which no response is
17 required.

18 VENUE

19 36. This paragraph contains a legal conclusion to which no response is
20 required.

21 37. Defendant-Intervenors are without knowledge or information sufficient to
22 confirm or deny the allegations.

23 THE PARTIES

24 38. Defendant-Intervenors are without sufficient knowledge or information to
25 confirm or deny the allegations in this paragraph.

26 39. Defendant-Intervenors are without sufficient knowledge or information to
27 confirm or deny the allegations in this paragraph.

28 40. Admit.

1 41. Admit.

2 42. Admit.

3 **STANDING**

4 43. The second and third sentences of this paragraph contain legal conclusions
5 to which no response is required. In addition, Defendant-Intervenors are without
6 knowledge or information sufficient to confirm or deny the allegations in this
7 paragraph.

8 44. Defendant-Intervenors are without sufficient knowledge or information to
9 confirm or deny the allegations in this paragraph.

10 45. Defendant-Intervenors are without sufficient knowledge or information to
11 confirm or deny the allegations in this paragraph.

12 46. Defendant-Intervenors are without sufficient knowledge or information to
13 confirm or deny the allegations in this paragraph.

14 47. Defendant-Intervenors are without sufficient knowledge or information to
15 confirm or deny the allegations in this paragraph.

16 48. Defendant-Intervenors are without sufficient knowledge or information to
17 confirm or deny the allegations in this paragraph.

18 49. Defendant-Intervenors are without sufficient knowledge or information to
19 confirm or deny the allegations in this paragraph.

20 50. Defendant-Intervenors are without sufficient knowledge or information to
21 confirm or deny the allegations in this paragraph.

22 51. Defendant-Intervenors are without sufficient knowledge or information to
23 confirm or deny the allegations in this paragraph.

24 52. Defendant-Intervenors are without sufficient knowledge or information to
25 confirm or deny the allegations in this paragraph.

26 53. Defendant-Intervenors are without sufficient knowledge or information to
27 confirm or deny the allegations in this paragraph.

28

1 54. This paragraph contains a legal conclusion to which no response is
2 required.

3 55. This paragraph contains a legal conclusion to which no response is
4 required.

5 56. This paragraph contains a legal conclusion to which no response is
6 required.

7 57. Defendant-Intervenors are without sufficient knowledge or information to
8 confirm or deny the allegations in this paragraph. In addition, this paragraph contains
9 a legal conclusion to which no response is required.

10 58. This paragraph and subparagraphs contain legal conclusions to which no
11 response is required. In addition, Defendant-Intervenors are without sufficient
12 knowledge or information to confirm or deny the allegations in this paragraph. In
13 addition, the paragraph and subparagraphs purport to represent information from a
14 “sampling” of Plaintiffs’ members, which Defendant-Intervenors deny is reflective of
15 the experience of all producers.

16 59. This paragraph contains a legal conclusion to which no response is
17 required. To the extent a response is required, deny.

18 60. Defendant-Intervenors are without sufficient knowledge or information to
19 confirm or deny the allegations in this paragraph.

20 61. Defendant-Intervenors are without sufficient knowledge or information to
21 confirm or deny the allegations in this paragraph.

22 62. Defendant-Intervenors are without sufficient knowledge or information to
23 confirm or deny the allegations in this paragraph.

24 63. Defendant-Intervenors are without sufficient knowledge or information to
25 confirm or deny the allegations in this paragraph.

26 64. Defendant-Intervenors are without sufficient knowledge or information to
27 confirm or deny the allegations in this paragraph.

28

1 65. Defendant-Intervenors are without sufficient knowledge or information to
2 confirm or deny the allegations in this paragraph.

3 66. Defendant-Intervenors are without sufficient knowledge or information to
4 confirm or deny the allegations in this paragraph.

5 67. Defendant-Intervenors are without sufficient knowledge or information to
6 confirm or deny the allegations in this paragraph.

7 68. Defendant-Intervenors are without sufficient knowledge or information to
8 confirm or deny the allegations in this paragraph.

9 69. Defendant-Intervenors are without sufficient knowledge or information to
10 confirm or deny the allegations in this paragraph.

11 70. Defendant-Intervenors are without sufficient knowledge or information to
12 confirm or deny the allegations in this paragraph.

13 71. Defendant-Intervenors are without sufficient knowledge or information to
14 confirm or deny the allegations in this paragraph.

15 72. Defendant-Intervenors are without sufficient knowledge or information to
16 confirm or deny the allegations in this paragraph.

17 73. This paragraph contains Plaintiffs' characterization of Proposition 12, to
18 which no response is required, and the Court is referred to that act for a full and
19 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

20 74. Defendant-Intervenors are without sufficient knowledge or information to
21 confirm or deny the allegations in this paragraph.

22 75. Defendant-Intervenors are without sufficient knowledge or information to
23 confirm or deny the allegations in this paragraph.

24 76. Defendant-Intervenors are without sufficient knowledge or information to
25 confirm or deny the allegations in this paragraph.

26 77. Defendant-Intervenors are without sufficient knowledge or information to
27 confirm or deny the allegations in this paragraph.

28

1 78. Defendant-Intervenors are without sufficient knowledge or information to
2 confirm or deny the allegations in this paragraph.

3 79. Defendant-Intervenors are without sufficient knowledge or information to
4 confirm or deny the allegations in this paragraph.

5 80. Defendant-Intervenors are without sufficient knowledge or information to
6 confirm or deny the allegations in this paragraph.

7 81. Defendant-Intervenors are without sufficient knowledge or information to
8 confirm or deny the allegations in this paragraph.

9 82. Defendant-Intervenors are without sufficient knowledge or information to
10 confirm or deny the allegations in this paragraph.

11 83. Defendant-Intervenors are without sufficient knowledge or information to
12 confirm or deny the allegations in this paragraph.

13 84. Defendant-Intervenors are without sufficient knowledge or information to
14 confirm or deny the allegations in this paragraph.

15 85. Defendant-Intervenors are without sufficient knowledge or information to
16 confirm or deny the allegations in this paragraph.

17 86. Defendant-Intervenors are without sufficient knowledge or information to
18 confirm or deny the allegations in this paragraph.

19 87. Defendant-Intervenors are without sufficient knowledge or information to
20 confirm or deny the allegations in this paragraph.

21 88. Defendant-Intervenors are without sufficient knowledge or information to
22 confirm or deny the allegations in this paragraph.

23 89. Defendant-Intervenors are without sufficient knowledge or information to
24 confirm or deny the allegations in this paragraph.

25 90. Defendant-Intervenors are without sufficient knowledge or information to
26 confirm or deny the allegations in this paragraph.

27 91. Defendant-Intervenors are without sufficient knowledge or information to
28 confirm or deny the allegations in the first sentence of this paragraph. The second

1 sentence of this paragraph contains Plaintiffs' characterization of Proposition 12, to
2 which no response is required, and the Court is referred to that act for a full and
3 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

4 92. Defendant-Intervenors are without sufficient knowledge or information to
5 confirm or deny the allegations in this paragraph.

6 93. Defendant-Intervenors are without sufficient knowledge or information to
7 confirm or deny the allegations in this paragraph.

8 94. Defendant-Intervenors are without sufficient knowledge or information to
9 confirm or deny the allegations in this paragraph.

10 95. Defendant-Intervenors are without sufficient knowledge or information to
11 confirm or deny the allegations in this paragraph.

12 96. Defendant-Intervenors are without sufficient knowledge or information to
13 confirm or deny the allegations in this paragraph. In addition, the last two sentences
14 contain Plaintiffs' characterization of Proposition 12, to which no response is
15 required. To the extent a response is required, deny.

16 97. Defendant-Intervenors are without sufficient knowledge or information to
17 confirm or deny the allegations in this paragraph.

18 98. Defendant-Intervenors are without sufficient knowledge or information to
19 confirm or deny the allegations in this paragraph.

20 99. Defendant-Intervenors lack sufficient are without sufficient knowledge or
21 information to confirm or deny the allegations in the first and third sentences of this
22 paragraph. In addition, the second sentence of this paragraph contains Plaintiffs'
23 characterization of Proposition 12, to which no response is required, and the Court is
24 referred to that act for a full and accurate statement of its provisions. *See* Cal. Health
25 & Safety Code § 25991.

26 100. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.
28

1 101. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 102. The first sentence of this paragraph contains legal conclusions to which
4 no response is required. Defendant-Intervenors are without sufficient knowledge or
5 information to confirm or deny the allegations in the remainder of this paragraph.

6 103. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph. In addition, this paragraph
8 contains legal conclusions to which no response is required.

9 104. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 105. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 106. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 107. This paragraph contains a legal conclusion to which no response is
16 required.

17 108. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 109. This paragraph contains a legal conclusion to which no response is
20 required.

21 **FACTUAL BACKGROUND**

22 **I. PORK PRODCUTION IN THE U.S.**

23 **A. The U.S. Pork Market**

24 110. Deny.

25 111. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 112. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 113. Admit generally, however to the extent this fact may be offered as a
2 legal conclusion, deny.

3 114. Admit generally, however to the extent this fact may be offered as a
4 legal conclusion, deny.

5 115. Admit generally, however to the extent this fact may be offered as a
6 legal conclusion, deny.

7 116. Admit generally, however to the extent this fact may be offered as a
8 legal conclusion, deny.

9 117. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 118. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 119. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 **B. Pork Producers and the Pork Supply Chain**

16 120. Admit generally, however to the extent this fact may be offered as a
17 legal conclusion, deny.

18 121. Admit generally, however to the extent this fact may be offered as a
19 legal conclusion, deny.

20 122. Admit generally, however to the extent this fact may be offered as a
21 legal conclusion, deny.

22 123. Admit generally, however to the extent this fact may be offered as a
23 legal conclusion, deny.

24 124. Admit generally, however to the extent this fact may be offered as a
25 legal conclusion, deny.

26 125. Admit generally, however to the extent this fact may be offered as a
27 legal conclusion, deny.

28

1 126. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 127. Admit generally, however to the extent this fact may be offered as a
4 legal conclusion, deny.

5 128. Deny.

6 129. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph.

8 130. Defendant-Intervenors are without sufficient knowledge or information
9 to confirm or deny the allegations in this paragraph.

10 131. Defendant-Intervenors are without sufficient knowledge or information
11 to confirm or deny the allegations in this paragraph.

12 132. Deny.

13 133. Deny.

14 134. Deny.

15 135. Deny.

16 **C. The Steps Involved In the Production of Pork**

17 136. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 137. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 138. Admit generally, however to the extent this fact may be offered as a
22 legal conclusion, deny.

23 139. Admit generally, however to the extent this fact may be offered as a
24 legal conclusion, deny.

25 140. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 141. Admit generally, however to the extent this fact may be offered as a
28 legal conclusion, deny.

1 142. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 143. Admit generally, however to the extent this fact may be offered as a
4 legal conclusion, deny.

5 144. Admit generally, however to the extent this fact may be offered as a
6 legal conclusion, deny.

7 145. Admit generally, however to the extent this fact may be offered as a
8 legal conclusion, deny.

9 **D. Sow Housing At Breeding Farms**

10 146. Admit generally, however to the extent this fact may be offered as a
11 legal conclusion, deny.

12 147. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny the allegations in this paragraph.

14 148. Defendant-Intervenors are without sufficient knowledge or information
15 to confirm or deny the allegations in this paragraph.

16 149. Defendant-Intervenors are without sufficient knowledge or information
17 to confirm or deny the allegations in this paragraph.

18 150. Admit generally, however to the extent this fact may be offered as a
19 legal conclusion, deny.

20 151. Admit generally, however to the extent this fact may be offered as a
21 legal conclusion, deny.

22 152. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 153. Deny.

25 154. Admit generally, however to the extent this fact may be offered as a
26 legal conclusion, deny.

27 155. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 156. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 157. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 158. Deny.

6 159. Deny.

7 160. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 161. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 162. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 163. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 164. Defendant-Intervenors are without sufficient knowledge or information
16 to confirm or deny the allegations in this paragraph.

17 165. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 166. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 167. Defendant-Intervenors are without sufficient knowledge or information
22 to confirm or deny the allegations in this paragraph.

23 168. Defendant-Intervenors are without sufficient knowledge or information
24 to confirm or deny the allegations in this paragraph.

25 169. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 170. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 171. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 172. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 173. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 174. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 175. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 176. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 177. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 178. Defendant-Intervenors are without sufficient knowledge or information
16 to confirm or deny the allegations in this paragraph.

17 179. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 180. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 **E. The Importance of Individual Stalls During Breeding and Gestation**

22 181. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 182. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 183. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28

1 184. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 185. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 186. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 187. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 188. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 189. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 190. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 191. Defendant-Intervenors are without sufficient knowledge or information
16 to confirm or deny the allegations in this paragraph.

17 192. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 193. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 194. Defendant-Intervenors are without sufficient knowledge or information
22 to confirm or deny the allegations in this paragraph.

23 195. Defendant-Intervenors are without sufficient knowledge or information
24 to confirm or deny the allegations in this paragraph.

25 196. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 197. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 208. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 209. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 210. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 211. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 212. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 213. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 214. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 215. Defendant-Intervenors are without sufficient knowledge or information
16 to confirm or deny the allegations in this paragraph.

17 216. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 **II. PROPOSITION 12**

20 **A. The History of Proposition 12**

21 217. Admit.

22 218. Admit.

23 219. Deny.

24 220. Admit.

25 221. Admit.

26 222. Admit as to date of Proposition 2's passage and requirements as to
27 California producers; deny as to the remainder.

28 223. Admit.

1 214. Admit.

2 215. Deny.

3 216. Deny.

4 217. Deny.

5 218. Admit.

6 219. Admit.

7 220. This paragraph contains Plaintiffs' characterization of Proposition 12, to
8 which no response is required, and the Court is referred to that act for a full and
9 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

10 221. This paragraph contains Plaintiffs' characterization of Proposition 12, to
11 which no response is required, and the Court is referred to that act for a full and
12 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

13 222. Deny.

14 223. Deny.

15 224. Deny.

16 225. Deny.

17 226. Deny.

18 227. This paragraph contains Plaintiffs' characterization of a Legislative
19 Analyst's Office report, to which no response is required, and the Court is referred to
20 that section for a full and accurate statement of its provisions.

21 228. This paragraph contains Plaintiffs' characterization of a Legislative
22 Analyst's Office report, to which no response is required, and the Court is referred to
23 that section for a full and accurate statement of its provisions.

24 229. This paragraph contains Plaintiffs' characterization of a Legislative
25 Analyst's Office report, to which no response is required, and the Court is referred to
26 that section for a full and accurate statement of its provisions.

27

28

1 230. This paragraph contains Plaintiffs’ characterization of a Legislative
2 Analyst’s Office report, to which no response is required, and the Court is referred to
3 that section for a full and accurate statement of its provisions.

4 231. This paragraph contains Plaintiffs’ characterization of a Legislative
5 Analyst’s Office report, to which no response is required, and the Court is referred to
6 that section for a full and accurate statement of its provisions.

7 232. This paragraph contains Plaintiffs’ characterization of a Legislative
8 Analyst’s Office report, to which no response is required, and the Court is referred to
9 that section for a full and accurate statement of its provisions.

10 233. This paragraph contains Plaintiffs’ characterization of a Legislative
11 Analyst’s Office report, to which no response is required, and the Court is referred to
12 that section for a full and accurate statement of its provisions.

13 234. This paragraph contains Plaintiffs’ characterization of a Legislative
14 Analyst’s Office report, to which no response is required, and the Court is referred to
15 that section for a full and accurate statement of its provisions.

16 235. Deny.

17 236. Admit.

18 **B. Proposition 12’s Space Requirements As Applied to Breeding Pigs**

19 237. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
20 which no response is required, and the Court is referred to that act for a full and
21 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

22 238. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
23 which no response is required, and the Court is referred to that act for a full and
24 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

25 239. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
26 which no response is required, and the Court is referred to that act for a full and
27 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

28

1 240. This paragraph contains Plaintiffs' characterization of Proposition 12, to
2 which no response is required, and the Court is referred to that act for a full and
3 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

4 241. This paragraph contains Plaintiffs' characterization of Proposition 12, to
5 which no response is required, and the Court is referred to that act for a full and
6 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

7 242. This paragraph contains Plaintiffs' characterization of Proposition 12, to
8 which no response is required, and the Court is referred to that act for a full and
9 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

10 243. This paragraph contains Plaintiffs' characterization of Proposition 12, to
11 which no response is required, and the Court is referred to that act for a full and
12 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

13 **C. Proposition 12's Space Requirements As Applied to Gilts**

14 244. This paragraph contains Plaintiffs' characterization of Proposition 12, to
15 which no response is required, and the Court is referred to that act for a full and
16 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

17 245. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 246. This paragraph contains Plaintiffs' characterization of Proposition 12, to
20 which no response is required, and the Court is referred to that act for a full and
21 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

22 247. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 248. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 249. This paragraph contains Plaintiffs' characterization of Proposition 12, to
27 which no response is required, and the Court is referred to that act for a full and
28 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

1 **D. The Scope of Proposition 12**

2 250. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
3 which no response is required, and the Court is referred to that act for a full and
4 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

5 251. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
6 which no response is required, and the Court is referred to that act for a full and
7 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

8 252. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
9 which no response is required, and the Court is referred to that act for a full and
10 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

11 253. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
12 which no response is required, and the Court is referred to that act for a full and
13 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

14 254. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
15 which no response is required, and the Court is referred to that act for a full and
16 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

17 255. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
18 which no response is required, and the Court is referred to that act for a full and
19 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

20 256. Defendant-Intervenors are without sufficient knowledge or information
21 to confirm or deny the allegations in this paragraph.

22 257. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
23 which no response is required, and the Court is referred to that act for a full and
24 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

25 258. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
26 which no response is required, and the Court is referred to that act for a full and
27 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

28

1 **E. Implementation of Proposition 12**

2 259. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
3 which no response is required, and the Court is referred to that act for a full and
4 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

5 260. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
6 which no response is required, and the Court is referred to that act for a full and
7 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

8 261. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
9 which no response is required, and the Court is referred to that act for a full and
10 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

11 262. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
12 which no response is required, and the Court is referred to that act for a full and
13 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

14 263. Admit generally, however to the extent this fact may be offered as a
15 legal conclusion, deny.

16 264. Admit generally, however to the extent this fact may be offered as a
17 legal conclusion, deny.

18 265. Defendant-Intervenors are without sufficient knowledge or information
19 to confirm or deny the allegations in this paragraph.

20 266. Defendant-Intervenors are without sufficient knowledge or information
21 to confirm or deny the allegations in this paragraph.

22 267. Admit.

23 **F. The Proponents’ Justifications For Proposition 12**

24 268. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
25 which no response is required, and the Court is referred to that act for a full and
26 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

27 269. Deny.

28

1 270. This paragraph contains Plaintiffs’ characterization of the Voter Guide
2 for Proposition 12, to which no response is required, and the Court is referred to that
3 document for a full and accurate statement of its provisions.

4 271. This paragraph contains Plaintiffs’ characterization of the Voter Guide
5 for Proposition 12, to which no response is required, and the Court is referred to that
6 document for a full and accurate statement of its provisions.

7 272. This paragraph contains Plaintiffs’ characterization of the Voter Guide
8 for Proposition 12, to which no response is required, and the Court is referred to that
9 document for a full and accurate statement of its provisions.

10 273. Deny.

11 274. Deny.

12 275. Deny.

13 276. Deny.

14 277. Deny.

15 278. Deny.

16 **III. PROPOSITION 12 REGULATES WHOLLY OUT-OF-STATE**
17 **CONDUCT**

18 **A. Proposition 12 Requires Massive Changes In Pork Production**
19 **Practices Nationwide**

20 279. Deny.

21 280. Deny.

22 281. This paragraph contains Plaintiffs’ characterization of mostly
23 unspecified laws, to which no response is required, and the Court is referred to those
24 laws for full and accurate statements of their provisions.

25 282. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 283. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 284. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 285. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 286. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 287. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 288. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 289. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 **B. By Dictating Producers' Production Practices Outside of**
14 **California, Proposition 12 Disrupts The Interstate Pork Supply**
15 **Chain**

16 290. Deny.

17 291. Deny.

18 292. Defendant-Intervenors are without sufficient knowledge or information
19 to confirm or deny the allegations in this paragraph.

20 293. Deny.

21 294. Deny.

22 295. Deny.

23 296. Deny.

24 297. Deny.

25 298. Deny.

26 299. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28 300. Defendant-Intervenors are without sufficient knowledge or information
to confirm or deny the allegations in this paragraph.

1 301. Deny.

2 302. Deny.

3 303. Deny.

4 304. Deny.

5 **IV. PROPOSITION 12 IMPOSES AN EXCESSIVE BURDEN ON**
6 **INTERSTATE COMMERCE**

7 **A. Proposition 12 Imposes Substantial Costs On Out-of-State**
8 **Producers**

9 305. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 306. Deny.

12 307. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny the allegations in this paragraph.

14 308. Defendant-Intervenors are without sufficient knowledge or information
15 to confirm or deny the allegations in this paragraph.

16 309. Defendant-Intervenors are without sufficient knowledge or information
17 to confirm or deny the allegations in this paragraph.

18 310. Defendant-Intervenors are without sufficient knowledge or information
19 to confirm or deny the allegations in this paragraph.

20 311. Defendant-Intervenors are without sufficient knowledge or information
21 to confirm or deny the allegations in this paragraph.

22 312. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 313. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 314. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28 315. Defendant-Intervenors are without sufficient knowledge or information
to confirm or deny the allegations in this paragraph.

1 316. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 317. Deny.

4 318. Defendant-Intervenors are without sufficient knowledge or information
5 to confirm or deny the allegations in this paragraph.

6 319. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph.

8 320. Defendant-Intervenors are without sufficient knowledge or information
9 to confirm or deny the allegations in this paragraph.

10 321. Defendant-Intervenors are without sufficient knowledge or information
11 to confirm or deny the allegations in this paragraph.

12 322. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny the allegations in this paragraph.

14 323. Defendant-Intervenors are without sufficient knowledge or information
15 to confirm or deny the allegations in this paragraph.

16 324. Defendant-Intervenors are without sufficient knowledge or information
17 to confirm or deny the allegations in this paragraph.

18 325. Defendant-Intervenors are without sufficient knowledge or information
19 to confirm or deny the allegations in this paragraph.

20 326. Deny.

21 327. Deny.

22 328. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 329. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 330. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28

1 331. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 332. Deny.

4 333. Defendant-Intervenors are without sufficient knowledge or information
5 to confirm or deny the allegations in this paragraph.

6 334. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph.

8 335. Defendant-Intervenors are without sufficient knowledge or information
9 to confirm or deny the allegations in this paragraph.

10 336. Defendant-Intervenors are without sufficient knowledge or information
11 to confirm or deny the allegations in this paragraph.

12 337. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny the allegations in this paragraph.

14 338. Defendant-Intervenors are without sufficient knowledge or information
15 to confirm or deny the allegations in this paragraph.

16 339. Defendant-Intervenors are without sufficient knowledge or information
17 to confirm or deny the allegations in this paragraph.

18 340. Defendant-Intervenors are without sufficient knowledge or information
19 to confirm or deny the allegations in this paragraph.

20 341. Defendant-Intervenors are without sufficient knowledge or information
21 to confirm or deny the allegations in this paragraph.

22 **B. Proposition 12 Substantially Interferes with Interstate Commerce in**
23 **Pork**

24 342. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 343. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28 344. Deny.

1 345. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 346. Admit generally, however to the extent this fact may be offered as a
4 legal conclusion, deny.

5 347. Deny.

6 348. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph.

8 349. Defendant-Intervenors are without sufficient knowledge or information
9 to confirm or deny the allegations in this paragraph.

10 350. Defendant-Intervenors are without sufficient knowledge or information
11 to confirm or deny the allegations in this paragraph.

12 **V. THERE IS NO SOW WELFARE BENEFIT FROM MANDATING 24**
13 **SQUARE FEET PER SOW OR RESTRICTING THE USE OF**
14 **BREEDING STALLS**

15 **A. The Concept of Sow Welfare**

16 351. Deny.

17 352. Deny.

18 353. Defendant-Intervenors are without sufficient knowledge or information
19 to confirm or deny the allegations in this paragraph.

20 354. Defendant-Intervenors are without sufficient knowledge or information
21 to confirm or deny the allegations in this paragraph.

22 355. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 356. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 357. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28 358. Defendant-Intervenors are without sufficient knowledge or information
to confirm or deny the allegations in this paragraph.

1 359. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 360. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 **B. Sow Welfare and Housing**

6 361. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph.

8 362. Defendant-Intervenors are without sufficient knowledge or information
9 to confirm or deny the allegations in this paragraph.

10 363. Defendant-Intervenors are without sufficient knowledge or information
11 to confirm or deny the allegations in this paragraph.

12 364. Deny.

13 365. Deny.

14 366. Deny.

15 367. Defendant-Intervenors are without sufficient knowledge or information
16 to confirm or deny the allegations in this paragraph.

17 368. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 369. Admit generally, however to the extent this fact may be offered as a
20 legal conclusion, deny.

21 370. Deny.

22 371. Defendant-Intervenors are without sufficient knowledge or information
23 to confirm or deny the allegations in this paragraph.

24 372. Defendant-Intervenors are without sufficient knowledge or information
25 to confirm or deny the allegations in this paragraph.

26 373. Defendant-Intervenors are without sufficient knowledge or information
27 to confirm or deny the allegations in this paragraph.

28

1 374. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 375. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 **C. There is No Scientific Basis For The Belief That The 24-Square-**
6 **Foot-Per-Sow Requirement Promotes Sow Welfare**

7 376. Deny.

8 377. Deny.

9 378. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 379. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 380. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 381. Deny.

16 382. Deny.

17 383. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 384. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 385. Deny.

22 386. Deny.

23 387. Deny.

24 388. Deny.

25 **D. Limiting The Use Of Breeding Stalls Harms Sow Well-Being**

26 389. Deny.

27 390. Deny.

28

1 391. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 392. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 393. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 394. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 395. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 396. Deny.

12 397. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny the allegations in this paragraph.

14 398. Defendant-Intervenors are without sufficient knowledge or information
15 to confirm or deny the allegations in this paragraph.

16 399. Deny.

17 400. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 401. Deny. In addition, this paragraph contains Plaintiffs' characterization of
20 Proposition 12, to which no response is required, and the Court is referred to that act
21 for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code §
22 25991.

23 402. Deny. In addition, this paragraph contains Plaintiffs' characterization of
24 Proposition 12, to which no response is required, and the Court is referred to that act
25 for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code §
26 25991.

27
28

1 403. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
2 which no response is required, and the Court is referred to that act for a full and
3 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25991.

4 404. Defendant-Intervenors are without sufficient knowledge or information
5 to confirm or deny the allegations in this paragraph.

6 405. Defendant-Intervenors are without sufficient knowledge or information
7 to confirm or deny the allegations in this paragraph.

8 406. Deny.

9 407. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 408. Deny.

12 409. Deny.

13 410. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph.

15 **E. Policing Compliance With Proposition 12 Threatens Sow Welfare**

16 411. Defendant-Intervenors are without sufficient knowledge or information
17 to confirm or deny the allegations in this paragraph.

18 412. Deny.

19 413. Admit generally, however to the extent this fact may be offered as a
20 legal conclusion, deny.

21 414. Defendant-Intervenors are without sufficient knowledge or information
22 to confirm or deny the allegations in this paragraph.

23 415. Defendant-Intervenors are without sufficient knowledge or information
24 to confirm or deny the allegations in this paragraph.

25 416. Admit generally, however to the extent this fact may be offered as a
26 legal conclusion, deny.

27

28

1 417. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in the first sentence of this paragraph. As to the
3 second sentence, deny.

4 418. Deny.

5 **VI. AT LEAST AS APPLIED TO PORK, PROPOSITION 12 OFFERS NO**
6 **HUMAN HEALTH OR SAFETY BENEFIT**

7 **A. Proposition 12 Has No Relation to Foodborne Illness or Human**
8 **Health**

9 419. Deny.

10 420. As to the first sentence, Defendant-Intervenors deny that Proposition 12
11 is “unnecessary” due to the federal law cited by Plaintiffs. As to the remainder of the
12 paragraph, Defendant-Intervenors are without sufficient knowledge or information to
13 confirm or deny the allegations.

14 421. Admit generally, however to the extent this fact may be offered as a
15 legal conclusion, deny.

16 422. Deny.

17 423. Deny.

18 424. Deny.

19 425. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 426. Defendant-Intervenors are without sufficient knowledge or information
22 to confirm or deny the allegations in this paragraph.

23 427. Defendant-Intervenors are without sufficient knowledge or information
24 to confirm or deny the allegations in this paragraph.

25 428. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 429. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 430. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 431. Admit generally, however to the extent this fact may be offered as a
4 legal conclusion, deny.

5 432. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 433. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 434. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 435. Deny.

12 436. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny the allegations in this paragraph.

14 437. Defendant-Intervenors are without sufficient knowledge or information
15 to confirm or deny the allegations in this paragraph.

16 438. Deny.

17 439. Defendant-Intervenors are without sufficient knowledge or information
18 to confirm or deny the allegations in this paragraph.

19 440. Defendant-Intervenors are without sufficient knowledge or information
20 to confirm or deny the allegations in this paragraph.

21 441. Deny.

22 442. Deny.

23 **B. If Anything, Proposition 12 Will Increase Pathogen Transmission**

24 443. Deny.

25 444. Defendant-Intervenors are without sufficient knowledge or information
26 to confirm or deny the allegations in this paragraph.

27 445. Defendant-Intervenors are without sufficient knowledge or information
28 to confirm or deny the allegations in this paragraph.

1 446. Defendant-Intervenors are without sufficient knowledge or information
2 to confirm or deny the allegations in this paragraph.

3 447. Defendant-Intervenors are without sufficient knowledge or information
4 to confirm or deny the allegations in this paragraph.

5 448. Defendant-Intervenors are without sufficient knowledge or information
6 to confirm or deny the allegations in this paragraph.

7 449. Defendant-Intervenors are without sufficient knowledge or information
8 to confirm or deny the allegations in this paragraph.

9 450. Defendant-Intervenors are without sufficient knowledge or information
10 to confirm or deny the allegations in this paragraph.

11 451. Defendant-Intervenors are without sufficient knowledge or information
12 to confirm or deny the allegations in this paragraph.

13 452. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny the allegations in this paragraph..

15 453. Deny

16 **FIRST CLAIM FOR RELIEF**
17 **(Impermissible Extraterritorial Regulation)**

18 454. To the extent Plaintiffs reallege and incorporate all preceding
19 paragraphs, Defendant-Intervenors refer the Court to their responses to the specific
20 preceding paragraphs.

21 455. This paragraph contains a legal conclusion to which no response is
22 required, and the Court is referred to the Commerce Clause for a full and accurate
23 statement of its provisions. U.S. Const. Art. I, § 8.

24 456. This paragraph contains a legal conclusion to which no response is
25 required, and the Court is referred to the Commerce Clause for a full and accurate
26 statement of its provisions. U.S. Const. Art. I, § 8.

27
28

1 457. This paragraph contains a legal conclusion to which no response is
2 required, and the Court is referred to the Commerce Clause for a full and accurate
3 statement of its provisions. U.S. Const. Art. I, § 8.

4 458. This paragraph contains Plaintiffs' characterization of Proposition 12, to
5 which no response is required, and the Court is referred to that act for a full and
6 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25990, *et seq.*
7 To the extent a response is required, Defendant-Intervenors deny the allegations.

8 459. This paragraph contains Plaintiffs' characterization of Proposition 12, to
9 which no response is required, and the Court is referred to that act for a full and
10 accurate statement of its provisions. *See* Cal. Health & Safety Code § 25990, *et seq.*
11 To the extent a response is required, Defendant-Intervenors deny the allegations.

12 460. Defendant-Intervenors are without sufficient knowledge or information
13 to confirm or deny this allegation.

14 461. This paragraph contains a legal conclusion to which no response is
15 required. To the extent a response is required, Defendant-Intervenors deny the
16 allegations.

17 462. This paragraph contains a legal conclusion to which no response is
18 required. To the extent a response is required, Defendant-Intervenors deny the
19 allegations.

20 **SECOND CLAIM FOR RELIEF**

21 **(Excessive Burden on Interstate Commerce in Relation to Putative Local** 22 **Benefits)**

23 463. To the extent Plaintiffs reallege and incorporate all preceding
24 paragraphs, Defendant-Intervenors refer the Court to their responses to the specific
25 preceding paragraphs.

26 464. This paragraph contains a legal conclusion to which no response is
27 required. To the extent a response is required, Defendant-Intervenors deny the
28 allegations.

1 465. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
2 which no response is required, and the Court is referred to that act for a full and
3 accurate statement of its provisions. *See Cal. Health & Safety Code § 25990, et seq.*
4 To the extent a response is required, Defendant-Intervenors deny the allegations.

5 466. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
6 which no response is required, and the Court is referred to that act for a full and
7 accurate statement of its provisions. *See Cal. Health & Safety Code § 25990, et seq.*
8 To the extent a response is required, Defendant-Intervenors deny the allegations.

9 467. This paragraph contains Plaintiffs’ characterization of Proposition 12, to
10 which no response is required, and the Court is referred to that act for a full and
11 accurate statement of its provisions. *See Cal. Health & Safety Code § 25990, et seq.*
12 To the extent a response is required, Defendant-Intervenors deny the allegations.

13 468. Defendant-Intervenors are without sufficient knowledge or information
14 to confirm or deny this allegation.

15 469. This paragraph contains a legal conclusion to which no response is
16 required. To the extent a response is required, Defendant-Intervenors deny the
17 allegations.

18 470. This paragraph contains a legal conclusion to which no response is
19 required. To the extent a response is required, Defendant-Intervenors deny the
20 allegations.

21 **PRAYER FOR RELIEF**

22 The balance of the Complaint constitutes a prayer for relief to which no
23 answers are required. Defendant-Intervenors deny that Plaintiffs are entitled to the
24 relief requested, or to any relief whatsoever.

25 Defendant-Intervenors hereby deny all allegations not expressly admitted or
26 denied.

27 **FIRST AFFIRMATIVE DEFENSE**

28 The Complaint fails to state a claim upon which relief can be granted.

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SECOND AFFIRMATIVE DEFENSE

Plaintiffs’ action and request for injunctive relief are barred because Plaintiffs have an adequate remedy at law.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs’ action and request for injunctive relief are barred by the doctrine of waiver.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs’ action and request for injunctive relief are barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs’ Complaint is barred because Plaintiffs have not suffered any injury or damage.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs’ Complaint is barred because their claims are not ripe for adjudication.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs knowingly, voluntarily and unreasonably undertook to encounter each of the risks and hazards, if any, referred to in the Complaint and each alleged cause of action, and this undertaking proximately caused and contributed to any loss, injury or damages incurred by Plaintiffs.

THEREFORE, having fully answered, Defendant-Intervenors assert that Plaintiffs are not entitled to the relief requested, or to any relief whatsoever, and request that this action be dismissed with prejudice and that Defendant-Intervenors be given such other relief as the Court deems just and proper.

1 Dated: December 18, 2019

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8 *The Humane League, Farm Sanctuary,*
9 *Compassion in World Farming USA, and*
10 *Compassion Over Killing*

11 UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 NATIONAL PORK PRODUCERS
14 COUNCIL & AMERICAN FARM
15 BUREAU FEDERATION,

16 Plaintiffs,

17 v.

18 KAREN ROSS, in her official
19 capacity as Secretary of the California
20 Department of Food & Agriculture,
21 SONIA ANGELL, in her official
22 capacity as Director of the California
23 Department of Public Health,
24 XAVIER BECERRA, in his official
25 capacity as Attorney General of
26 California

27 Defendants.
28

Case No. 19-cv-02324-W-AHG

**PROPOSED DEFENDANT-
INTERVENORS’
MEMORANDUM OF POINTS &
AUTHORITIES IN SUPPORT OF
UNOPPOSED MOTION TO
INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Courtroom: 3C

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1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 24, The Humane Society of the
3 United States (“HSUS”), the Animal Legal Defense Fund (“ALDF”), Animal
4 Equality, The Humane League, Farm Sanctuary, Compassion in World Farming
5 USA, and Compassion Over Killing (“COK”) (collectively “Proposed Defendant-
6 Intervenors”) respectfully request leave to intervene in the above-captioned matter,
7 a constitutional challenge to a California animal cruelty law which Proposed
8 Defendant-Intervenors were instrumental in passing and which, if overturned, will
9 cause them and their members immediate and certain harm to their particular
10 organizational interests in preventing animal cruelty.

11 Proposed Defendant-Intervenors will be directly affected by the outcome of
12 this case. They can also provide critical and unique legal and factual perspectives
13 on the matter, as they have done in prior similar matters.¹ Indeed, the intervention
14 motion of this same group of proposed Defendant-Intervenors was granted in a case
15 pending in the Central District of California, involving nearly identical challenges
16 to the exact same law. *North American Meat Institute v. Becerra*, No. 2:19-cv-
17 08659 at Dkt. # 43 (C.D. Cal. 2019). Accordingly, as described more fully below,
18 Proposed Defendant-Intervenors satisfy the standards for both intervention as a
19 matter of right and permissive intervention, and request that their intervention be
20 granted.

21 _____
22 ¹ For example, Proposed Defendant-Intervenor HSUS has previously intervened in
23 many other federal and state cases that challenged animal protection laws in
24 California on Constitutional grounds, in cooperation with and without duplicating
25 the State defendants’ efforts. *See, e.g., National Meat Ass’n v. Harris, et al.*, No.
26 1:08-cv-01963 (E.D. Cal. 2012); *JS West Milling Co., Inc. v. California*, No. 10-
27 04225 (Cal. Sup. Ct. Fresno County 2010); *Cramer v. Brown, et al.*, No. 2:12-cv-
28 03130 (C.D. Cal. 2012); *Asian Am. Rights Comm. v. Brown et al.*, No. 12-517723
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John McCamman, et al.*, No. 46349 (Cal. Sup. Ct. Lassen County 2009);
Chinatown Neighborhood Assoc. et al. v. Edmund Brown, et al., No. 4:12-cv-
03759 (N.D. Cal. 2012); *State of Missouri, et al. v. Kamala D. Harris, et al.*, No.
2:14-cv-00341 (E.D. Cal. 2016).

1 Additionally, this motion is unopposed by the current parties to the litigation.
2 Both Plaintiffs and the State of California have indicated no opposition to this
3 motion. In order to ensure that Proposed Defendant-Intervenors do not in any way
4 delay or disrupt the litigation, Plaintiffs and Proposed Defendant-Intervenors have
5 entered into an agreement whereby, if intervention is granted, Intervenors will not
6 delay or expand the scope of that proceedings.² In that regard, if the Court grants
7 this motion in time, Proposed Defendant-Intervenors are prepared to file a
8 responsive pleading at the same time as the State.

9 **II. BACKGROUND**

10 **A. Passage of Proposition 12.**

11 On November 6, 2018, California Proposition 12, codified as the Prevention
12 of Cruelty to Farm Animals Act (“Proposition 12” or “the Act”), was on the ballot
13 in California as an initiated state statute and was overwhelmingly approved. Cal.
14 Health & Safety Code §§ 25990-25994. The Act bans the confinement of pregnant
15 pigs, calves raised for veal, and egg-laying hens in a manner that does not allow
16 them to turn around freely, lie down, stand up, or fully extend their limbs, and
17 prohibits the sale of products from animals raised in this manner. *Id.* The Act
18 enhances the welfare of animals otherwise subjected to extreme confinement for
19 their entire lives by prohibiting the production and sale of food products from
20 animals confined in a cruel manner, as defined by the Act. *Id.* § 25991. The Act’s
21 effective dates are staggered, with prohibitions on the confinement of veal calves

22
23 ² To that end, parties have agreed that upon being granted party status, Intervenors
24 will abide by the same deadlines applicable to original Defendants, with joint
25 filings by all Intervenors. Counsel further agreed that Intervenors will not seek
26 discovery from Plaintiffs or its members and Plaintiffs will not seek discovery from
27 Intervenors or their members, though this agreement does not alter any pre-trial
28 disclosure obligations Plaintiffs or Intervenors have as parties to the litigation, nor
prohibit either Plaintiffs or Intervenors from participating in any depositions of
witnesses to be presented. These conditions are identical to those agreed to between
the plaintiff and the same Intervenor-Defendants in the similar case pending in the
Central District of California: *North American Meat Institute v. Becerra*, No. 2:19-
cv-08659 at Dkt. # 43 (C.D. Cal. 2019).

1 and egg-laying hens beginning in 2020 and restrictions on the confinement of
2 breeding pigs and additional standards for egg-laying hens beginning in 2022. *Id.* §
3 25991.

4 The express purpose of Proposition 12 is to prevent cruelty associated with
5 extreme confinement practices. The Act states:

6 The purpose of this Act is to prevent animal cruelty by
7 phasing out extreme methods of farm animal
8 confinement, which also threaten the health and safety of
9 California consumers, and increase the risk of foodborne
10 illness and associated negative fiscal impacts on the State
11 of California.

12 2018 Cal. Legis. Serv. Prop. 12 Sec. 2.

13 **B. The Interests of the Proposed Defendant-Intervenors.**

14 Proposed Defendant-Intervenor HSUS is a national nonprofit animal
15 protection organization headquartered in Washington, D.C., with millions of
16 members and constituents, including over one million members and constituents in
17 California. Declaration of Josh Balk (“Balk Decl.”) ¶ 3. The HSUS actively
18 advocates against inhumane practices that harm farm animals, including veal
19 calves, breeding pigs, and egg-laying hens, *id.* ¶ 4, and HSUS’ Farm Animal
20 Protection campaign works to inform its members and the public about the threats
21 caused by such practices. *Id.* To advance these goals, HSUS was the primary
22 author and a chief proponent of Proposition 12. *Id.* ¶ 6.

23 Proposed Defendant-Intervenor ALDF was a registered supporter and active
24 proponent of Proposition 12. Declaration of Stephen Wells (“Wells Decl.”) ¶¶ 7-8.
25 ALDF is a national nonprofit animal protection organization founded in 1979 that
26 uses education, public outreach, investigations, legislation, and litigation to protect
27 the lives and advance the interests of animals, including those raised for food. *Id.* ¶
28 2. Headquartered in Cotati, California, ALDF is supported by hundreds of
dedicated volunteer attorneys and more than 200,000 members and supporters
nationwide, including approximately 35,000 in California. *Id.* ALDF files high-

1 impact lawsuits to protect animals from harm, provides free legal assistance and
2 training to prosecutors in their fight against animal cruelty, supports animal
3 protection legislation, and provides resources and opportunities to law students and
4 professionals to advance the field of animal law. *Id.* For decades, ALDF has been
5 actively involved in matters pertaining to the protection and humane treatment of
6 animals used for meat, eggs, and dairy products in California. *Id.* ¶¶ 3-6. ALDF
7 has directed substantial time and organizational resources towards this goal, up to
8 and including its significant devotion of resources and staff time to supporting
9 Proposition 12. *Id.* ¶¶ 7-8.

10 Proposed Defendant-Intervenor Animal Equality is an international nonprofit
11 animal protection organization with its U.S. headquarters in Los Angeles,
12 California. Declaration of Sarah Hanneken (“Hanneken Decl.”) ¶ 2. The
13 organization has over 9,000 members and supporters nationwide, roughly one-third
14 of whom reside in California. *Id.* Animal Equality's mission is to end cruelty to
15 farmed animals. *Id.* ¶ 3. To that end, Animal Equality expends significant
16 resources to educate consumers about the inhumane treatment of animals inside
17 industrial agriculture operations and to urge governments and corporations to
18 implement meaningful protections for these animals—particularly in regard to the
19 conditions in which they are confined. *Id.* ¶ 4. Recognizing that cruel conditions of
20 confinement are especially widespread in the egg, pork, and veal industries, Animal
21 Equality has dedicated special attention to legal and political reform in these
22 sectors. *Id.* ¶ 5. Through petitions, social media, films, newsletters, undercover
23 investigations, email alerts, and legal advocacy, Animal Equality mobilizes its
24 supporters to manifest a world in which all animals are respected and protected. *Id.*
25 ¶ 3.

26 Proposed Defendant-Intervenor The Humane League is a nonprofit animal
27 protection organization organized under the laws of Pennsylvania, with over
28 275,000 supporters across the United States, including over 30,000 supporters in

1 California. Declaration of Wendy Watts (“Watts Decl.”) ¶ 2. The Humane League
2 exists to end the abuse of animals raised for food through institutional and
3 individual change. *See id.* ¶ 3. Institutionally, The Humane League works to
4 influence the world’s largest food companies to create and implement animal
5 welfare policies that abolish the worst forms of abuse and reduce the suffering of
6 billions of animals. *Id.* ¶ 3. The Humane League also works to enact laws that ban
7 the confinement and inhumane treatment of farm animals. *Id.* The Humane League
8 also educates its supporters, consumers, and the general public about the impact of
9 farming practices on animal welfare, individual and public health, and the
10 environment. *Id.*

11 Proposed Defendant-Intervenor Farm Sanctuary is a national non-profit
12 corporation organized pursuant to the laws of the state of Delaware, with its
13 principal place of business in Watkins Glen, New York. Declaration of Gene Baur
14 (“Baur Decl.”) ¶ 3. Farm Sanctuary is a farm animal rescue and protection
15 organization dedicated to ending the suffering of animals raised for food. *Id.* ¶ 4.
16 The organization has over 800,000 nationwide members and supporters, including
17 over 38,000 California residents. *Id.* ¶ 3. It also operates a farm animal sanctuary
18 in southern California. Farm Sanctuary invests considerable resources advocating
19 for farm animal health and welfare, educating its members, visitors, and the public
20 about farm animal issues, and rescuing farm animals from cruelty. *Id.* ¶ 5. Farm
21 Sanctuary has committed resources to farm animal protection ballot initiatives,
22 including California’s Proposition 12. *Id.* In addition to gathering signatures to
23 qualify Proposition 12 for the ballot and urging its supporters to help gather
24 signatures, Farm Sanctuary committed human and financial resources to producing
25 videos encouraging voters to support Proposition 12, which were promoted across
26 Farm Sanctuary’s social media platforms. *Id.* Farm Sanctuary also committed
27 resources to educating its constituents and members of the public about Proposition
28 12 through e-mail communications and social media posts encouraging support of

1 Proposition 12. *Id.*

2 Proposed Defendant-Intervenor Compassion in World Farming USA is a
3 national non-profit corporation organized pursuant to the laws of Georgia with its
4 principal place of business in Decatur, Georgia. Declaration of Tyler Hazard
5 (“Hazard Decl.”) ¶ 3. Compassion in World Farming USA is an animal protection
6 organization dedicated to ending factory farming and the most inhumane farming
7 practices. *Id.* ¶ 3. The organization has over 200,000 members and supporters,
8 including over 10,000 California residents. *Id.* ¶ 2. Compassion in World Farming
9 USA works to instill and promote more humane farming practices through
10 corporate engagement and by providing public awareness on legislative, regulatory,
11 and industry issues relevant to its mission. *Id.* ¶ 3.

12 Proposed Defendant-Intervenor Compassion Over Killing (“COK”) is a
13 nonprofit organization incorporated in Delaware with its principal place of business
14 in the District of Columbia and an office in Los Angeles, California. Declaration of
15 Will Lowrey (“Lowrey Decl.”) ¶ 3. Founded in 1995, COK’s organizational
16 mission is to end cruelty to farmed animals and promote vegan eating as a way to
17 build a kinder world for all creatures, human and nonhuman. *Id.* ¶ 5. In
18 furtherance of that goal, COK advocates against government policies that
19 encourage or allow cruelty to farmed animals; conducts public education on the
20 realities of industrialized animal agriculture; and coordinates public campaigns to
21 encourage the adoption of vegan diets. *Id.* ¶ 6. COK has more than 55,000
22 members and supporters across the United States, including in California. *Id.* ¶ 4.

23 In furtherance of these organizations’ interests, Proposed Defendant-
24 Intervenor expended time and resources toward the passage of Proposition 12, a
25 measure of which Proposed Defendant-Intervenor HSUS was the primary author.
26 Balk Decl. at ¶ 6. Proposed Defendant-Intervenor invested substantial
27 organizational resources into drafting the Act, collecting ballot initiative signatures,
28 and mobilizing support for its passages. *See, e.g.*, Balk Decl. ¶ 6; Wells Decl. ¶¶ 7-

1 8; Hanneken Decl. ¶¶ 6-7; Watts Decl. ¶ 4; Baur Decl. ¶ 5; Hazard Decl. ¶¶ 5-6;
2 Lowrey Decl. ¶¶ 7-9. Invalidation of Proposition 12 would impede these
3 organizations' efforts to support state laws banning the sale of other cruelly
4 produced goods, including shark fins, foie gras, fur, and horse meat—all of which
5 HSUS and many of the other Proposed Defendant-Intervenors have repeatedly
6 defended in public campaigns and court. Balk Decl. ¶ 6; Wells Decl. ¶¶ 3-5;
7 Hanneken Decl. ¶¶ 3-5; Watts Decl. ¶ 3. A loss here for California would require
8 Proposed Defendant-Intervenors to expend considerable financial and human
9 resources promoting substitute legislation or administrative action at the federal
10 level to address these concerns. Balk Decl. ¶ 8; Wells Decl. ¶ 10; Hanneken Decl. ¶
11 8; Watts Decl. ¶ 6; Baur Decl. ¶ 6; Hazard Decl. ¶ 5; Lowrey Decl. ¶ 10. Proposed
12 Defendant-Intervenors thus have direct and substantial interests in the outcome of
13 this litigation.

14 Further, Proposed Defendant-Intervenors' interests in the subject matter of
15 this litigation may not be adequately represented by California, which represents all
16 stakeholders, including the agriculture industry. That is, while Proposed
17 Defendant-Intervenors' entry into the case will not in any way enlarge the issues
18 before the Court, Proposed Defendant-Intervenors will likely make arguments that
19 California will not make. California must balance competing political and
20 economic constraints in defending the law. For example, California may not want
21 to argue that selling pork from pigs raised with less than 24 square feet of floor
22 space is inherently cruel, since the State is allowing the sale of those products for
23 over two more years (until 2022). *See* Cal. Health & Safety Code § 25991. By
24 contrast, Proposed Defendant-Intervenors have supported laws like Proposition 12
25 and can bring a perspective on those laws that the State may not have. Proposed
26 Defendant-Intervenors also can assist the Court in its analysis because they have
27 extensive experience, not shared by California, regarding the right of states to
28 restrict the sale of cruelly produced goods and in preventing cruelty to pregnant

1 pigs, calves raised for veal, and egg-laying hens. As advocates for farm animals for
 2 several decades, Proposed Defendant-Intervenors will also bring a wealth of
 3 expertise with respect to animal cruelty legislation like Prop 12, and also have a
 4 wealth of knowledge on animal welfare and pig, calf, and hen welfare issues that
 5 the State may not possess. *See, e.g.*, Balk Decl. ¶¶ 4-5; Wells Decl. ¶¶ 2, 11;
 6 Hanneken Decl. ¶¶ 3-5; Watts Decl. ¶ 3; Baur Decl. ¶ 4; Hazard Decl. ¶ 4; Lowrey
 7 Decl. ¶¶ 5-6. Thus, Proposed Defendant-Intervenors will bring important facts and
 8 unique legal arguments to the Court in this litigation.

9 **III. ARGUMENT**

10 **A. Proposed Defendant-Intervenors Are Entitled to Intervene As a** 11 **Matter of Right.**

12 Proposed Defendant-Intervenors easily meet the standard for intervention as
 13 of right. In the Ninth Circuit, an application for intervention under Rule 24(a)(2) is
 14 governed by a four-part test:

15 (1) [T]he motion must be timely; (2) the applicant must
 16 claim a “significantly protectable” interest relating to the
 17 property or transaction which is the subject of the action;
 18 (3) the applicant must be so situated that the disposition of
 19 the action may as a practical matter impair or impede its
 20 ability to protect that interest; and (4) the applicant’s
 21 interest must be inadequately represented by the parties to
 22 the action.

23 *California ex rel. Lockyer v. United States*, 450 F.3d 436, 440-41 (9th Cir. 2006)
 24 (quoting *Sierra Club v. EPA*, 995 F.2d 1478, 1481 (9th Cir. 1993), *abrogated on*
 25 *other grounds by Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir.
 26 2011)). The requirements of Rule 24 are to be “construed broadly in favor of
 27 intervention.” *United States v. Washington*, 86 F.3d 1499, 1503 (9th Cir. 1996).

28 **1. The Motion to Intervene is Timely.**

“In determining whether a motion for intervention is timely, we consider
 three factors: ‘(1) the stage of the proceeding at which an applicant seeks to

1 intervene; (2) the prejudice to other parties; and (3) the reason for and length of the
2 delay.” *County of Orange v. Air California*, 799 F.2d 535, 537 (9th Cir. 1986)
3 (quoting *League of United Latin American Citizens v. Wilson*, 131 F.3d 1297, 1302
4 (9th Cir. 1997)). Proposed Defendant-Intervenors easily satisfy the “timeliness”
5 factor, as the motion to intervene was filed less than two weeks after Plaintiffs
6 commenced this action and before the State Defendants have filed a responsive
7 pleading, and before any substantive decisions have been rendered. Upon learning
8 of the lawsuit, Proposed Defendant-Intervenors acted as quickly as possible to seek
9 party status so that they might protect their substantial interests in this matter. In
10 order to conserve the Court’s and the parties’ resources, a coalition of seven groups
11 assembled to file together and avoid multiple intervention motions. Moreover,
12 there is clearly no prejudice to any party by granting Proposed Defendant-
13 Intervenors’ motion to intervene at this early stage in the proceedings. Plaintiffs
14 filed this lawsuit and request for injunction on December 5, 2019, and no
15 scheduling order has been issued, nor any hearing date set.

16 **2. Proposed Defendant-Intervenors Have a Significantly**
17 **Protectable Interest in Defending Proposition 12.**

18 Proposed Defendant-Intervenors also have a “significantly protectable
19 interest relating to the . . . transaction which is the subject of the action.” *California*
20 *ex rel. Lockyer*, 450 F.3d 440-41, *abrogated on other grounds by Wilderness Soc’y*,
21 630 F.3d 1173. The interest requirement “is primarily a practical guide to
22 disposing of lawsuits by involving as many apparently concerned persons as is
23 compatible with efficiency and due process,” *S. Cal. Edison Co. v. Lynch*, 307 F.3d
24 794, 803 (9th Cir. 2002) (quotation omitted), and applicants need not demonstrate a
25 “specific legal or equitable interest” in the suit. *United States v. City of Los*
26 *Angeles*, 288 F.3d 391, 398 (9th Cir. 2002). Instead, a proposed intervenor need
27 only show: “(1) it asserts an interest that is protected under some law, and (2) there
28

1 is a ‘relationship’ between its legally protected interest and the plaintiff’s claims,”
2 *i.e.*, that the “resolution of the plaintiff’s claims actually will affect the applicant.”
3 *Id.* (quotation omitted).

4 Here, Proposed Defendant-Intervenors undeniably have a “significant
5 protectable interest” in upholding Proposition 12 because Proposed Defendant-
6 Intervenors were architects, supporters, and chief proponents of the initiative. *See*
7 Balk Decl. ¶¶ 7-8; Wells Decl. ¶¶ 7-9; Hanneken Decl. ¶¶ 6-8; Watts Decl. ¶¶ 4-6;
8 Baur Decl. ¶¶ 5-6; Hazard Decl. ¶¶ 5-6; Lowrey Decl. ¶¶ 7-10. As the Ninth
9 Circuit and other federal courts have repeatedly held, proponents and active
10 supporters of legislative measures, like Proposed Defendant-Intervenors here, have
11 a sufficient “protectable interest” to intervene to defend those measures.
12 Specifically, a “public interest group [i]s entitled as a matter of right to intervene in
13 an action challenging the legality of a measure which it has supported.” *Sagebrush*
14 *Rebellion, Inc. v. Watt*, 713 F.2d 525, 527 (9th Cir. 1983); *see also Prete v.*
15 *Bradbury*, 438 F.3d 949, 955 (9th Cir. 2006) (same; “main supporter” of
16 legislation); *Wash. State Bldg. & Const. Trades Council, AFL-CIO v. Spellman*,
17 684 F.3d 627, 630 (9th Cir. 1982) (“public interest group that sponsored the
18 initiative, was entitled to intervention as a matter of right under Rule 24(a)”); *Vivid*
19 *Entertainment, LLC v. Fielding*, 2013 WL 1628704, at *4 (C.D.Cal. 2013). There
20 is no reason to depart from this Circuit’s precedent here.

21 Proposed Defendant-Intervenors were undoubtedly the “main supporter[s]
22 and chief proponents of the law.” *Prete*, 438 F.3d at 955. They directly assisted in
23 both drafting the language and promoting passage of the initiative, and expended
24 substantial resources to assist in its passage. *See* Balk Decl. ¶ 6; Wells Decl. ¶¶ 7-
25 9; Hanneken Decl. ¶¶ 6-8; Watts Decl. ¶¶ 4-5; Baur Decl. ¶ 5; Hazard Decl. ¶¶ 5-6;
26 Lowrey Decl. ¶¶ 7-9. Proposed Defendant-Intervenors were all active supporters of
27 Proposition 12 in the months leading up to and well after the passage of the Act.
28 *Id.* And they have continued to protect this interest by successfully intervening in

1 the nearly identical case in the Central District of California. *North American Meat*
 2 *Institute v. Becerra*, No. 2:19-cv-08659 at Dkt. # 43 (C.D. Cal. 2019).

3 **3. Proposed Defendant-Intervenors’ Interests Will Be**
 4 **Impaired If Plaintiffs Succeed in Invalidating Section**
 5 **25990(b).**

6 Proposed Defendant-Intervenors also satisfy the intervention requirements
 7 because the “disposition of the action may as a practical matter impair or impede”
 8 Proposed Defendant-Intervenors’ “ability to protect [their] interest.” *Wetlands*
 9 *Action Network*, 222 F.3d at 1113; Fed. R. Civ. P. 24(a). Rule 24(a) does not
 10 require that the applicant’s interest be actually or legally impaired, only that the
 11 applicant “be substantially affected in a practical sense.” *Southwest Ctr. For*
 12 *Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2011) (quotation omitted).
 13 Here, Plaintiffs’ lawsuit threatens to undo the results of Proposed Defendant-
 14 Intervenors’ extensive and costly advocacy efforts with respect to the passage of
 15 Proposition 12.

16 Section 25990(b) is a critical component of the Proposed Defendant-
 17 Intervenors’ broader campaign to eradicate extreme confinement practices.
 18 Protecting farm animals is central to each of their missions, and in furtherance of
 19 these missions the Proposed Defendant-Intervenors spent significant time and
 20 resources to secure passage of Proposition 12. *See, e.g.*, Balk Decl. ¶¶ 4-6; Wells
 21 Decl. ¶¶ 7-9; Hanneken Decl. ¶¶ 3-7; Watts Decl. ¶¶ 3-5; Baur Decl. ¶¶ 4-5; Hazard
 22 Decl. ¶¶ 3-5; Lowrey Decl. ¶¶ 5-9. If the Court enjoins section 25990(b), extensive
 23 advocacy, legal, staffing, and monetary commitments to the passage and
 24 preservation of Proposition 12 would be nullified. *See, e.g.*, Balk Decl. ¶¶ 7-8;
 25 Wells Decl., ¶¶ 7-10; Hanneken Decl. ¶ 8; Watts Decl. ¶ 6; Baur Decl. ¶ 6; Hazard
 26 Decl. ¶ 5; Lowrey Decl. ¶ 10; *see also Sagebrush Rebellion*, 713 F.2d at 528
 27 (finding there was “no serious dispute” that applicant’s interest might be impaired if
 28 proponents of measure were not allowed to intervene in challenge to that measure);

1 *see also Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1398 (9th Cir. 1995)
2 (finding impairment where action could lead to reversal of administrative decision
3 actively supported by applicants for intervention).

4 If the Court entered the requested injunction, Proposed Defendant-
5 Intervenors would need to expend additional resources to secure alternative farm
6 animal protections. *See, e.g.*, Balk Decl. ¶¶ 7-8; Wells Decl., ¶¶ 8-10; Hanneken
7 Decl. ¶ 8; Watts Decl. ¶ 6; Baur Decl. ¶ 6; Hazard Decl. ¶ 5; Lowrey Decl. ¶ 10.
8 These efforts could include drafting and advocating for new legislation, reactivating
9 grassroots engagement of members and supporters, and conducting investigations
10 into farm animal practices to expose cruel confinement practices and generate
11 support for protective measures. *Id.*

12 The loss of section 25990(b) could also harm the Proposed Defendant-
13 Intervenors' efforts to pass and preserve sales bans in other states, which would
14 undercut Proposed Defendant-Intervenors' institutional campaigns and could lead
15 to additional cruel treatment of farm animals who are raised in extreme
16 confinement. *See California Trucking Ass'n v. Becerra*, No. 318-CV-02458-
17 BENBLM, 2019 WL 202313, at *2 (S.D. Cal. Jan. 14, 2019) (citing *Allied*
18 *Concrete*, 904 F.3d 1053, 1068 (S.D. Cal. 2018); *Californians for Safe and*
19 *Competitive Dump Truck Trans. v. Mendonca*, 152 F.3d 1184, 1190 (9th Cir. 1998)
20 (“invalidation of the . . . law being challenged would impair [intervenor] and its
21 members' interests.”). For example, a negative outcome here could impact the
22 implementation and enforcement of similar laws in other states, such as Question 3
23 in Massachusetts, a ballot initiative passed in 2016 that, like Proposition 12,
24 prohibits the sale of pork, veal, or eggs from animals held in extreme confinement.
25 *See Mass. Gen. Laws Ann. ch. 129 App. §§ 1 et seq.*

1 **4. Proposed Defendant-Intervenors' Interests Are Not**
2 **Adequately Represented by Any of the Parties.**

3 Proposed Defendant-Intervenors' interests diverge in important respects from
4 those of State Defendants, and are not "adequately represented by existing parties."
5 Fed. R. Civ. P. 24(a). Specifically, while the State Defendants' interest is in the
6 administration of their legal obligations on behalf of the general public, including
7 the meat industry, Proposed Defendant-Intervenors have a narrower interest in
8 advocating for prevention of cruelty to animals and the interests of their members.

9 This test is a low bar to intervention: an applicant need only demonstrate that
10 representation of its interest by existing parties "may be" inadequate. *Trbovich v.*
11 *United Mine Workers of Am.*, 404 U.S. 528, 528 n.10 (1972). "The burden of
12 making this showing is minimal." *Sagebrush Rebellion*, 713 F.2d at 528. In
13 determining whether a proposed intervenor is adequately represented, the Court
14 should

15 consider whether the interest of a present party is such
16 that it will undoubtedly make all the intervenor's
17 arguments; whether the present party is capable and
18 willing to make such arguments; and whether the
 intervenor would offer any necessary elements to the
 proceeding that the other parties would neglect.

19 *Forest Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1498-99 (9th Cir.
20 1995), *abrogated on other grounds by Wilderness Soc'y*, 630 F.3d 1173.

21 The Ninth Circuit has granted intervention in many instances where, as here,
22 the proposed intervenors have an interest that is different than that of the
23 government, the result of which is that the government may not make all the
24 proposed intervenor's arguments. *See, e.g., California ex rel. Lockyer*, 450 F.3d at
25 440-41, *abrogated on other grounds by Wilderness Soc'y*, 630 F.3d 1173 (granting
26 intervention where government defendant could offer limiting construction in
27 defense of state); *Southwest Ctr. For Biological Diversity v. Berg*, 268 F.3d 810,
28 822 (9th Cir. 2011) (government did not adequately represent interests of building

1 trade association because of government’s broader range of considerations); *Forest*
2 *Conservation Council*, 66 F.3d at 1499, *abrogated on other grounds by Wilderness*
3 *Soc’y*, 630 F.3d 1173 (noting that the federal government represents a “broader
4 view” than the interest of a state and county).

5 Proposed Defendant-Intervenors’ interests are not coextensive with those of
6 State Defendants in this litigation. State Defendants’ interests are in the
7 administration of their legal obligations, as they are charged with enforcing the laws
8 enacted by the California legislature on behalf of the public at large, which includes
9 the meat industry. But they have no specific mandate to advocate for the humane
10 treatment of animals, nor do they represent humane interests above others. State
11 Defendants’ interests may also be motivated by unrelated factors, including
12 financial, political, or other pressures. On the other hand, defense of Proposition 12
13 is central to the basic missions of Proposed Defendant-Intervenors to ensure that
14 egregious animal cruelty is prevented and prohibited.

15 While both the Defendants and the Proposed Defendant-Intervenors have an
16 interest in preserving Proposition 12, the Proposed Defendant-Intervenors’ interests
17 are broader. As described above, the outcome of this litigation has implications for
18 the Proposed Defendant-Intervenors’ efforts to preserve and support existing state
19 farm animal protections and sales bans and to continue to advocate for other similar
20 bans – interests that Defendants do not possess. Thus, beyond mere defense of the
21 law, the Proposed Defendant-Intervenors are intervening because of the potentially
22 precedential nature of this case and the impact it could have on their work
23 elsewhere. While Defendants would understandably advocate for any ruling that
24 preserves Proposition 12, the Proposed Defendant-Intervenors may advocate for
25 specific rulings that would help preserve other (similar but not necessarily identical)
26 laws. *See California Trucking Ass’n v. Becerra*, No. 318-CV-02458-BENBLM,
27 2019 WL 202313, at *3 (S.D. Cal. Jan. 14, 2019) (“courts recognize that the
28 interests of . . . intervenors in protecting their members are more ‘narrow’ and

1 ‘parochial’ than California State officials’ broad and more abstract interest in
2 defending the laws of the State”).

3 Additionally, due to decades of experience both litigating and advocating for
4 the humane treatment of farm animals, and working to enforce anti-cruelty laws,
5 Proposed Defendant-Intervenors bring to the Court extensive factual and legal
6 knowledge that may not be shared in full by State Defendants. Since Proposed
7 Defendant-Intervenors meet the “minimal” showing necessary on this factor,
8 *Trbovich*, 404 U.S. at 538 n.10, and also satisfy all other requirements under Rule
9 24(a), this Court should grant their motion to intervene as of right.

10 **B. In the Alternative, Proposed Defendant-Intervenors Should Be**
11 **Granted Permissive Intervention.**

12 Although Proposed Defendant-Intervenors satisfy the criteria for intervention
13 of right under Rule 24(a), in the alternative, this Court should exercise its discretion
14 and allow the applicants to intervene permissively under Rule 24(b). A court may
15 grant permissive intervention “where the applicant for intervention shows (1)
16 independent grounds for jurisdiction; (2) the motion is timely; and (3) the
17 applicant’s claim or defense, and the main action, have a question of law or a
18 question of fact in common.” *United States v. City of Los Angeles*, 288 F.3d 288
19 F.3d 391, 403 (9th Cir. 2002) (citations omitted). However, “the independent
20 jurisdictional grounds requirement does not apply to proposed intervenors in
21 federal-question cases when the proposed intervenor is not raising new claims” –
22 which is the case here. *Freedom from Religion Foundation, Inc. v. Geithner*, 644
23 F.3d 836, 844 (9th Cir. 2011). And as discussed above, Proposed Defendant-
24 Intervenors’ application is timely and will not prejudice the parties or cause any
25 undue delay. In fact, as stated above, Plaintiffs (as well as the State) do not oppose
26 this motion, and Plaintiffs and Proposed Defendant-Intervenors have entered into a
27 stipulation in order to ensure that intervention does not delay or enlarge the issues
28 in this matter, or unduly increase the burden on the Court or the parties.

1 Most importantly, Proposed Defendant-Intervenors’ defenses and the main
2 action have more than a “question of law or a question of fact in common.” *Id.*
3 Indeed, Proposed Defendant-Intervenors’ defenses are based solely on legal
4 arguments as to the insufficiency of the claims raised by the Plaintiff. Thus,
5 Proposed Defendant-Intervenors should be allowed to intervene permissively under
6 Rule 24(b) even if intervention as of right is not granted.

7 **IV. CONCLUSION**

8 For the foregoing reasons, Proposed Defendant-Intervenors’ motion to
9 intervene should be granted.

10 Dated: December 18, 2019

RILEY SAFER LLP

11
12 /s/ Bruce A. Wagman

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15 *Attorneys for Proposed Defendant-*
16 *Intervenors*

17 4826-0495-4543, v. 1

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11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 SONIA ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF JOSH BALK
IN SUPPORT OF PROPOSED
DEFENDANT-INTERVENORS'
MOTION TO INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Location: Courtroom 3C

1 I, Josh Balk, declare as follows:

2 1. I am the Vice President of Farm Animal Protection for The Humane
3 Society of the United States (“HSUS”). I have personal knowledge of the following
4 or knowledge based upon relevant public records and information, and if called to
5 testify, I could and would competently testify to the facts herein.

6 2. The HSUS is a nonprofit animal protection organization headquartered
7 in Washington, D.C., with millions of members and supporters, including over one
8 million members and constituents in California.

9 3. The HSUS’s mission is to reduce animal suffering and create
10 meaningful societal change by actively advocating against animal cruelty, working
11 to enforce existing laws, promoting sensible public policies, and educating the
12 public about animal issues. As part of its mission, HSUS actively advocates against
13 inhumane practices that harm farm animals, including veal calves, breeding pigs,
14 and egg laying hens. The HSUS’s Farm Animal Protection campaign works to
15 inform its members and the public about the threats caused by such practices.

16 4. The HSUS staff and its members have expended hundreds of hours
17 working to further legal protections against inhumane practices that harm farm
18 animals. In furtherance of these interests, HSUS drafted and refined the language in
19 2007 that eventually became California’s Proposition 2. The HSUS provided
20 substantial financial contributions and active campaigning towards the passage of
21 Proposition 2.

22 5. The HSUS was also the author and one of the primary supporters of
23 Proposition 12. The HSUS invested substantial organizational resources in drafting
24 the proposition, collecting ballot initiative signatures and mobilizing support for its
25 passages. Invalidation of Proposition 12 would impede HSUS’s efforts to support
26 state laws banning the sale of other cruelly produced products, including shark fins,
27 foie gras, fur, ivory and horse meat. The HSUS has repeatedly advocated for and
28 defended such state laws in public campaigns and courts.

1 6. With Proposition 12 secured, HSUS resources are freed up to use to
2 address other important issues and on other forms of advocacy. These resources
3 would otherwise need to be diverted back to farm animal confinement issues in
4 California should Proposition 12 be struck down.

5 7. If the Court enjoins section 25990(b), HSUS’s extensive advocacy,
6 legal, staffing, and monetary commitments to the passage and preservation of
7 Proposition 12 would be nullified. The HSUS has acted as both an architect and
8 strong supporter of this and other initiatives against inhumane practices that harm
9 farm animals and other animals. A loss of Proposition 12 for California would
10 require HSUS to expend considerable financial and human resources developing
11 and promoting substitute legislation or administrative action at the federal level to
12 address these concerns about the inhumane practices regarding veal calves,
13 breeding pigs, and egg laying hens. These efforts would involve, but not be limited
14 to, reengaging in the investigative work that HSUS has previously done to expose
15 and address cruel confinement practices and reactivating grassroots engagement of
16 our members and supporters. The HSUS thus has direct and substantial interests in
17 the outcome of this litigation.

18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
19 foregoing is true and correct.

20
21 Executed this 17th of December, 2019 in Gaithersburg, Maryland.

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26 _____
Josh Balk

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9 *The Humane Society of the United States,*
10 *Animal Legal Defense Fund, Animal Equality,*
11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 SONIA ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF STEPHEN
WELLS IN SUPPORT OF
PROPOSED DEFENDANT-
INTERVENORS' MOTION TO
INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 3030
Location: Courtroom 3C

1 I, Stephen Wells, declare as follows:

2 1. I am the Executive Director of the Animal Legal Defense Fund
3 (“ALDF”). I have worked for over 30 years on local, state, and federal legislative
4 issues to advance the interests of animals. For the past 20 years I have worked with
5 ALDF in various capacities. In January of 2006 I was appointed Executive Director
6 of the organization. Since taking that role, I have overseen ALDF’s legislative
7 campaigns, litigation efforts, and regulatory affairs. I have personal knowledge of
8 the following and if called to testify, I could and would competently testify to the
9 facts herein.
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13 2. ALDF is a national nonprofit animal protection organization founded
14 in 1979 that uses education, public outreach, investigations, legislation, and
15 litigation to protect the lives and advance the interests of animals, including those
16 raised for food. Headquartered in Cotati, California, ALDF is supported by
17 hundreds of dedicated volunteer attorneys and more than 200,000 members and
18 supporters nationwide, including approximately 35,000 in California. ALDF files
19 high-impact lawsuits to protect animals from harm, provides free legal assistance
20 and training to prosecutors in their fight against animal cruelty, supports animal
21 protection legislation, and provides resources and opportunities to law students and
22 professionals to advance the field of animal law.
23
24
25

26 3. For decades, ALDF has been actively involved in matters pertaining to
27 the protection and humane treatment of animals used for meat, eggs, and dairy
28

1 products in California, and has directed substantial time and organizational
2 resources towards this goal. ALDF has vigorously supported, defended, and sought
3 the enforcement of California legislation to substantially improve conditions for
4 farmed animals in the state and to cleanse the state's marketplace of cruel products.
5

6 4. This work has included submitting numerous *amicus curiae* briefs in
7 support of the state, when California's progressive laws prohibiting the sale and
8 production of eggs from cruelly confined egg-laying hens (Cal. Health & Safety
9 Code § 25995 to 25996), prohibiting the sale and production of products from
10 force-fed birds used in foie gras (Cal. Health and Safety Code §§ 25980 to 25984),
11 and preventing sick and disabled animals from being used in the human food
12 supply (Cal. Penal Code §599f), have faced constitutional challenges from industry.
13
14

15 5. It has also included filing numerous lawsuits against California factory
16 farming operations seeking to improve the conditions of animals in those facilities,
17 including several suits combatting the cruel confinement of mother pigs and veal
18 calves. For example, in 2006 ALDF sued CorcPork, Inc., at the time the state's
19 largest pig producer, for trapping roughly 9,000 breeding sows in crates so small
20 they violated California animal cruelty law prohibiting confining animals without
21 an adequate exercise area. That same year, ALDF filed suit against Mendes Calf
22 Ranch in Tulare County, for violating the same anti-cruelty law in isolating and
23 confining newborn calves in tiny crates, without any space to move.
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1 6. Finally, in 2013 and again in 2017, ALDF sued the California
2 Exposition and State Fair and the Regents of the University of California, again for
3 violating the anti-confinement law and keeping mother pigs at the State Fair in
4 body-gripping farrowing crates for weeks, without providing them with adequate
5 space.
6

7
8 7. Thus, in keeping with this longstanding commitment and dedication of
9 organizational resources to advocating for, defending, and enforcing California
10 laws protecting pigs, calves, and farmed animals, and laws ensuring humane
11 commerce in California, ALDF was an active and early supporter of Proposition 12,
12 the 2018 ballot measure prohibiting the sale in California of pork, veal, and eggs
13 from cruelly confined animals.
14

15
16 8. ALDF's work on the measure began in the fall of 2017, when we
17 joined the Prevent Cruelty California campaign. Shortly thereafter, we started to
18 engage our members and supporters to help collect signatures to get Proposition 12
19 on the ballot, and invited them to a kick-off event in Los Angeles, which was
20 attended by one of our staff members. From that point up until and through the
21 November 2018 election, ALDF devoted substantial organizational resources to the
22 Prevent Cruelty California campaign, to rally support for Proposition 12.
23

24 Specifically:

- 25
26 a. ALDF provided financial contributions of \$35,000 to the Prevent
27 Cruelty California campaign, in support of Proposition 12.
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- b. ALDF staff participated in regular conference calls with the Prevent Cruelty California coalition, to help get Proposition 12 on the ballot and ensure its passage.
- c. ALDF devoted significant staff time to attending events to promote Proposition 12, including additional kick-off events at the San Francisco SCPA in November 2017, and at the Marin Humane Society in December 2017. I spoke at the San Francisco event, to rally support for Proposition 12.
- d. ALDF sent four emails to our California members and supporters, asking them to collect signatures to put Proposition 12 on the ballot, inviting them to a kick-off event, recruiting volunteers for the Prevent Cruelty California campaign, asking them to vote for Proposition 12 in early voting, and sending a final reminder to vote for Proposition 12.
- e. With the help of others at ALDF, I personally filmed two videos to support the Prevent Cruelty California campaign and Proposition 12, including one video ALDF posted to social media when campaigners reached 600,000 signatures for the ballot initiative.
- f. ALDF engaged our followers and audiences on social media, posting about and in support of Proposition 12 roughly 25 to 35 times, across multiple platforms.

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g. ALDF created educational, news, and advocacy materials to post on our website, including our announcement about joining the Prevent Cruelty California campaign, a recap of the 2018 election victories featuring Proposition 12, and an article explaining the measure and ALDF’s role in promoting and supporting it.

9. These activities required a significant investment of ALDF’s time and resources, across numerous departments and staff members, including a significant contribution of my time, personally. Our Legislative Affairs and Communications teams in particular devoted substantial resources and many hours to creating, reviewing, and managing all of the above-described efforts.

10. In sum, ALDF has spent significant time and resources advancing the interests of farmed animals and in protecting pigs, calves, and egg-laying hens from cruel confinement, in particular. If Proposition 12 is overturned, ALDF’s aforementioned efforts to support the law will have been wasted, and the resources ALDF spent in support of the law will be irrecoverably lost. Proposition 12 also represents a historic advancement in animal welfare legislation in the United States. Overturning the law will deprive ALDF of the opportunity to use it as a springboard to promote other positive changes to animal husbandry practices in the food industry.

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11. Given ALDF’s specific focus on protecting the lives and advancing the interests of animals through the legal system, ALDF’s interests could not be adequately represented by the named defendants in this action.

12. ALDF first learned that the above-captioned case had been filed on December 6, 2019. Immediately thereafter, ALDF began collecting relevant documentation, communicating with other interested parties, obtaining counsel, and drafting the instant declaration in order to protect ALDF’s interests and the interests of its members.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Stephen Wells

December 16, 2019
Date

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12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

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21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 SONIA ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
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Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF SARAH
HANNEKEN IN SUPPORT OF
PROPOSED DEFENDANT-
INTERVENORS' MOTION TO
INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Location: Courtroom 3C

1 I, Sarah Hanneken, declare as follows:

2 1. I am associate legal counsel for Animal Equality. I have personal
3 knowledge of the facts set forth in this declaration. These facts are true to the best
4 of my knowledge and understanding. If called to testify on these facts, I would do
5 so in a manner consistent with the information presented herein.
6

7
8 2. Animal Equality is an international nonprofit animal protection
9 organization with its U.S. headquarters in Los Angeles. It has over nine thousand
10 members and supporters nationwide, roughly a third of whom reside in California.
11

12 3. Animal Equality's mission is to end cruelty to farmed animals.
13 Through use of petitions, social media, films, newsletters, undercover
14 investigations, email alerts, and legal advocacy, Animal Equality mobilizes its
15 volunteers and supporters to manifest a world in which all animals are respected
16 and protected.
17

18 4. Given the sheer number of animals raised for food—over 55 billion¹
19 per year—Animal Equality pursues that vision with a particular eye toward farmed
20 animal protection. Specifically, Animal Equality expends significant resources to
21 educate consumers about the inhumane treatment of animals inside industrial
22 agriculture operations and to urge governments and corporations to implement
23 meaningful protections for these animals—particularly in regard to the conditions
24
25
26

27 _____
28 ¹ Not including aquatic animals.

1 in which they are confined.

2 5. Recognizing that cruel conditions of confinement are especially
3 widespread in the egg, pork, and veal industries, Animal Equality has dedicated
4 special attention to legal and political reform in these sectors.
5

6 6. To that end, Animal Equality is part of a coalition of organizations that
7 played a significant role in the success of California Proposition 12 (the “Prevent
8 Cruelty California” campaign). For its part, Animal Equality contributed substantial
9 resources to promoting the measure and gathering more than 600,000 signatures
10 from registered California voters.
11

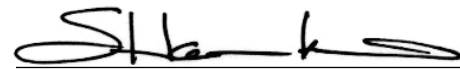
12 7. By the close of the campaign, Animal Equality’s reported financial
13 expenditures in support of Proposition 12’s passage exceeded \$65,000.
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15 8. In addition to seeing a return on the financial resources it committed to
16 Proposition 12’s success (in the form of tangible benefits for farmed animals),
17 Animal Equality maintains a significant interest in ensuring the law goes into effect
18 as scheduled. Since Proposition 12’s passage, the organization has dedicated
19 significant staff time to ensuring corporate compliance with the law’s sales
20 provisions. For instance, Animal Equality has been working on reaching out to
21 affected producers and retailers to educate these companies about the new
22 restrictions and offer to assist them to come into compliance. If the sales provisions
23 of Proposition 12 are blocked from taking effect, the resources Animal Equality has
24 expended (and continues to expend) to ensure its success, and the goodwill it has
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1 garnered with affected industry players in partnership toward that goal, will be
2 nullified, and Animal Equality would need to expend additional resources
3 promoting substitute protections.
4

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6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
7 foregoing is true and correct, based on my own personal knowledge and
8 understanding, and, as to those matters, I believe them to be true.
9

10 Executed this 16th day of December, 2019, in Portland, Oregon.
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15 Sarah Hanneken
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10 *Animal Legal Defense Fund, Animal Equality,*
11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 Sonia ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF WENDY
WATTS IN SUPPORT OF
PROPOSED DEFENDANT-
INTERVENORS' MOTION TO
INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Location: Courtroom 3C

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DECLARATION OF WENDY WATTS

I, Wendy Watts, declare as follows:

1. I am the Vice President, Legal and General Counsel for The Humane League (“THL”). I have personal knowledge of the facts set forth in this declaration. The facts set forth are true to the best of my knowledge and recollection. If called, I could and would testify to these facts in a court of law.

2. THL is a nonprofit animal protection organization organized under the laws of the Commonwealth of Pennsylvania, with over 275,000 supporters across the United States, including over 30,000 supporters in California.

3. THL’s mission is to end the abuse of animals raised for food by working with food companies to create and implement animal welfare policies to reduce animal suffering, by working to enact legislation to reduce animal suffering, and by educating the public about farm animal issues. As part of its’ mission, THL actively advocates against inhumane practices that harm farm animals, including those raised for meat, eggs, and milk.

4. Beginning in late 2017 and throughout 2018, THL committed substantial financial and human resources to coordinate gathering more than 60,000 registered voters’ signatures throughout California in support of the Farm Animal Confinement Initiative that eventually became California Proposition 12. During and after the signature gathering phase, THL garnered endorsements in support of Proposition 12, spoke publicly regarding Proposition 12 to educate voters, and

1 planned and coordinated Get Out the Vote efforts, including a massive text
2 messaging campaign.

3
4 5. By the end of the campaign, THL's reported financial contributions in
5 support of Proposition 12's passage exceeded \$200,000.

6
7 6. Should Proposition 12 be overturned, THL's efforts would be nullified
8 and THL would have to expend additional resources in California and elsewhere to
9 support alternative protective measures for farm animals.

10

11

12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
13 is true and correct, based on my own personal knowledge, and as to those matters, I
14 believe them to be true.

15

16

17 Executed this 16th day of December, 2019, in Los Angeles, California.

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Wendy Watts

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Wendy Watts

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9 *The Humane Society of the United States,*
10 *Animal Legal Defense Fund, Animal Equality,*
11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 Sonia ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF GENE BAUR
IN SUPPORT OF PROPOSED
DEFENDANT-INTERVENORS'
MOTION TO INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Location: Courtroom 3C

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DECLARATION OF GENE BAUR

I, Gene Baur, declare as follows:

1. I am President and Co-Founder of Farm Sanctuary, Inc. (“Farm Sanctuary”) and I have held a leadership position with Farm Sanctuary since I co-founded the organization in 1986.

2. I am authorized to make the following statements on behalf of Farm Sanctuary, which are also based on my personal knowledge. If called to testify, I would testify competently under oath to the facts stated in this declaration.

3. Farm Sanctuary is a national non-profit 501(c)(3) farm animal-advocacy organization organized pursuant to the laws of the state of Delaware, with its principal place of business in Watkins Glen, New York. Farm Sanctuary has over 800,000 constituents nationwide, including approximately 38,000 constituents in California.

4. Farm Sanctuary is the largest farm animal rescue and protection organization in the United States. Core to its mission is protecting farm animals from cruelty and encouraging public awareness about farm animal issues through education and media outreach. Farm Sanctuary advocates against inhumane practices used to raise animals for food.

5. Beginning with the first successful ballot measure in the U.S. to limit the inhumane confinement of farm animals, Farm Sanctuary has committed resources to similar efforts, including California’s Proposition 12. In addition to

1 gathering signatures to qualify Proposition 12 for the ballot and urging our
2 supporters to help gather signatures, Farm Sanctuary committed human and
3 financial resources to producing videos encouraging voters to support Proposition
4 12, which we promoted across Farm Sanctuary's social media platforms. Farm
5 Sanctuary also committed resources to educating our constituents and members of
6 the public about Proposition 12 through e-mail communications and social media
7 posts encouraging support of Proposition 12.
8

9
10 6. If Proposition 12 is struck down, Farm Sanctuary's efforts would be
11 undermined and more of its resources would need to be expended elsewhere to
12 promote other measures to protect farm animals.
13

14
15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
16 is true and correct, based on my own personal knowledge, and as to those matters, I
17 believe them to be true.
18

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20 Executed this 16th day of December, 2019, in Arlington, Virginia.
21

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26 _____
27 Gene Baur
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9 *The Humane Society of the United States,*
10 *Animal Legal Defense Fund, Animal Equality,*
11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA,*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 Sonia ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF TYLER
HAZARD IN SUPPORT OF
PROPOSED DEFENDANT-
INTERVENORS' MOTION TO
INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Location: Courtroom 3C

1 I, Tyler Hazard, declare as follows:

2 1. I am the Public Engagement Coordinator for Compassion in World Farming USA
3 (“Compassion USA”). I have personal knowledge of the facts set forth in this declaration. The
4 facts set forth are true to the best of my knowledge and recollection. If called, I could and would
5 testify to these facts in a court of law.
6

7 2. My colleague, Cynthia Von Schlichten, previously submitted a similar declaration
8 in a nearly identical case. *North American Meat Institute v. Becerra*, No. 2:19-cv-08659 at Dkt. #
9 43 (C.D. Cal.). I have taken over her responsibilities for both cases and can similarly attest to
10 Compassion USA’s interests in this case.

11 3. Compassion USA is a nonprofit animal protection organization headquartered in
12 Decatur, Georgia, with over 200,000 members and supporters, including over 10,000 members
13 and supporters in California.
14

15 4. Compassion USA’s mission is to end factory farming and the most inhumane
16 farming practices. This goal is to be accomplished through public outreach regarding up to date
17 relevant legislative and industry issues, through corporate engagement which pressures
18 companies to engage in higher welfare farming, and by lending support to any regulatory or
19 legislative issues that are relevant to the mission.
20

21 5. In efforts to get what ultimately became Prop 12 on the ballot, Compassion USA
22 sent three employees to California to engage in the collecting of signatures required for eligibility.
23 Compassion USA also sent individuals to go door-to-door in California to create voter awareness
24 about the proposed ballot initiative.

25 6. In the months leading up to the vote, Compassion USA published numerous action
26 alerts to its supporters in California, urging them to vote in favor of Prop 12. The staff of
27 Compassion USA also held several interviews and speaking engagement surrounding its support
28

1 of the ballot initiative that is the focus of this lawsuit.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct, based on my own knowledge as to these matters, and I believe them
4 to be true.

5 Executed this 17th day of December in 2019.

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Tyler Hazard

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10 *Animal Legal Defense Fund, Animal Equality,*
11 *The Humane League, Farm Sanctuary,*
12 *Compassion in World Farming USA, and*
13 *Compassion Over Killing*

14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 NATIONAL PORK PRODUCERS
17 COUNCIL & AMERICAN FARM
18 BUREAU FEDERATION,

19 Plaintiffs,

20 v.

21 KAREN ROSS, in her official
22 capacity as Secretary of the California
23 Department of Food & Agriculture,
24 SONIA ANGELL, in her official
25 capacity as Director of the California
26 Department of Public Health,
27 XAVIER BECERRA, in his official
28 capacity as Attorney General of
California

Defendants.

Case No. 19-cv-02324-W-AHG

**DECLARATION OF WILL
LOWREY IN SUPPORT OF
PROPOSED DEFENDANT-
INTERVENORS' MOTION TO
INTERVENE**

The Honorable Thomas J. Whelan
Date: January 27, 2020
Location: Courtroom 3C

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DECLARATION OF WILL LOWREY

I, Will Lowrey, declare as follows:

1. I am the Legal Counsel for Compassion Over Killing (“COK”).
2. I have personal knowledge of all facts stated in this declaration. The facts set forth are true to the best of my knowledge and recollection. If called, I would testify to these facts in a court of law.
3. COK is a nonprofit animal protection organization incorporated in Delaware with a principal place of business in the District of Columbia and an office in Los Angeles, California.
4. COK has over 55,000 members and supporters across the United States, including California.
5. COK’s mission is to end cruelty to farmed animals and promote vegan eating as a way to build a kinder world for all creatures, human and nonhuman.
6. In furtherance of its mission, COK advocates against government policies that encourage or allow cruelty to farmed animals; conducts public education on the realities of industrialized animal agriculture; and coordinates public campaigns to encourage the adoption of vegan diets.
7. In 2018, COK joined a coalition of animal protection groups in publicly endorsing Proposition 12.
8. In support of Proposition 12, COK expended financial and human resources mobilizing our California members and supporters to vote in support of

1 the legislation through email alerts, blogs, and social media postings.

2 9. Following the passage of Proposition 12, COK expended additional
3 financial and human resources educating our members and supporters on the
4 legislation's passage and expected benefits to California's farmed animals.
5

6 10. In addition to seeing a return on the time and resources it committed to
7 Proposition 12's success, COK maintains a significant interest in ensuring the law
8 goes into effect as scheduled. If Proposition 12 cannot take effect, the resources
9 COK has expended and continues to expend will be wasted. COK would also need
10 to expend additional resources promoting substitute protections for farm animals.
11
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14 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the
15 laws of the United States that the foregoing is true and correct, and that this
16 declaration was executed on the 16th of December, 2019.
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21 _____
22 Will Lowrey
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