

NORTH CAROLINA COURT OF APPEALS

LEGAL IMPACT FOR)	
CHICKENS,)	
)	
Plaintiff-Appellant,)	
)	
v.)	<u>From Burke County</u>
)	
CASE FARMS, L.L.C., CASE)	
FOODS, INC., and CASE)	
FARMS PROCESSING, INC.,)	
)	
Defendants-Appellees.)	

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

The North Carolina Poultry Federation, Inc. (“NCPF”), through its undersigned attorney, hereby requests leave, pursuant to Rule 28(i) of the North Carolina Rules of Appellate Procedure, to file an amicus curiae brief in support of the Defendants-Appellants (collectively, “Case Farms”). The proposed brief is filed contemporaneously with this motion.

INTEREST OF NCPF AS AMICUS CURIAE

Founded in 1968, amicus curiae North Carolina Poultry Federation, Inc. (“NCPF”) is an organization dedicated to providing information, education, resources, and advocacy for the poultry industry and its members with the intent of creating a favorable climate for all companies involved in the production of poultry. NCPF serves producers and processors of chicken, turkey, and egg products, and acts as a voice of the industry, adopting best practices, and working with its 600 member companies, growers, and affiliates to promote safe standards and guidelines within the industry. NCPF’s members include integrator companies, growers, suppliers, and vendors who service the poultry industry in North Carolina.

NCPF conducts government relations and advocacy focused on providing sound policies that support the industry and protect consumers. In addition, NCPF serves as an information center and resource for the general public and the media on issues related to the poultry industry. Likewise, NCPF regularly coordinates with the U.S. Department of Agriculture, the North Carolina Department of Agriculture and Consumer Services, and veterinarians and agricultural

scientists with North Carolina State College of Veterinary Medicine and NCDA. NCPF provides education and regular communication to its member companies to ensure the continued safe and effective production of poultry in North Carolina. To this end, NCPF acts as a steward for the industry and advocates for North Carolina's poultry farmers.

Poultry farming operations are critical to North Carolina's agricultural economy and the international food supply. Poultry production provides essential jobs to North Carolinians and the poultry products that are ultimately sold into commerce represent a nutritious and affordable protein source that feeds billions of people all over the world. In recognition of this, and due to the significant State and federal regulation of the industry, essential farm operations such as livestock production, are exempted from North Carolina's animal cruelty statutes.

Plaintiff-Appellant, Legal Impact for Chickens ("LIC") presents an interpretation of N.C. Gen. Stat. § 19A-1.1 ("Statute") that would upend the poultry industry by creating needless and tedious litigation, the costs of which would inevitably be borne ultimately by consumers. As this issue appears to be one of first impression in this State, it is paramount that Chapter 19A of the North Carolina General Statutes be interpreted and

applied correctly, giving full deference to the plain meaning and application of the law, as well as its intent and purpose.

REASONS WHY AN AMICUS CURIAE BRIEF IS DESIRABLE

No appellate court in North Carolina has ruled upon the issue presented in this case, so this will be a landmark decision affecting poultry farmers and processors across the state. NCPF will provide valuable insight into the poultry industry and will provide arguments as to the correct interpretation of the Statute. To ensure that the law is applied correctly both now and, in the future, it is imperative that the trial judge's decision is upheld, and the pertinent exemption contained in Chapter 19A is properly applied to Case Farms.

ISSUE OF LAW TO BE ADDRESSED

Whether the trial court properly applied N.C. Gen. Stat. § 19A-1.1 to exempt Case Farms from the civil remedies contained in Chapter 19A.

POSITION OF AMICUS CURIAE

NCPF respectfully requests this Court affirm the trial court's Order Granting Case Farms' Motion to Dismiss.

APPELLATE RULE 37(c) CERTIFICATION

Pursuant to Appellate Rule 37(c), NCPF certifies that all counsel of

record were notified of NCPF's intent to file this Motion. LIC does not object and has not indicated whether it intends to respond. Case Farms does not object and does not intend to file a response.

CONCLUSION

For the foregoing reasons, NCPF respectfully requests that the Court grant it leave to file an amicus curiae brief in support of Case Farms.

Respectfully submitted, this the 12th day of November 2024.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion For Leave To File Amicus Curiae Brief was served on all parties by electronic mail addressed as follows:

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This, the 12th day of November, 2024.

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