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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

<p>RANCHERS-CATTELMEN ACTION LEGAL FUND, UNITED STOCKGROWERS OF AMERICA, <i>Plaintiff,</i></p> <p>v.</p> <p>SONNY PERDUE, IN HIS OFFICIAL CAPACITY AS SECRETARY OF AGRICULTURE, et al.</p> <p><i>Defendants,</i> MONTANA BEEF COUNCIL et al. <i>Intervenors.</i></p>	<p>Case No. 16-00041-BMM-JTJ</p> <p><b>PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT</b></p>
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Plaintiff Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America moves for summary judgment on all of its claims. For the reasons stated in the Brief in support of this Motion, the Statement of Undisputed Facts, and the related exhibits and declarations, the administration of the federal “Beef Checkoff” program in Hawaii, Indiana, Kansas, Maryland, Montana, Nebraska, Nevada, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, and Wisconsin violates the First Amendment of the United States Constitution because the Government-Defendants allow private state beef councils to use the program’s mandatory assessments to fund private speech. Therefore, the Court should declare unlawful and enjoin the current administration of the Beef Checkoff program in those states. It should only allow the private state beef councils in those states to take and use Beef Checkoff funds if the payer first expressly, affirmatively consents to the private council using the money. Otherwise, the councils should not be allowed to siphon off the money, and the funds should automatically go to the “Beef Board” and “Beef Committee,” entities that have been held to engage in “government speech,” to which the First Amendment does not apply.

Pursuant to Local Rule 7.1(c)(1), the undersigned conferred with counsel for Defendants and Intervenors regarding this motion and they indicated they oppose this motion.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of May, 2019.

PUBLIC JUSTICE, P.C.

By:           /s/ David S. Muraskin            
David S. Muraskin

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