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28 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE STATE OF MISSOURI, ex rel., Chris
Koster, Attorney General; THE STATE OF
NEBRASKA, ex rel. Jon Bruning, Attorney
General; THE STATE OF OKLAHOMA, ex
rel. E. Scott Pruitt, Attorney General; THE
STATE OF ALABAMA, ex rel. Luther
Strange, Attorney General; THE
COMMONWEALTH OF KENTUCKY, ex
rel. Jack Conway, Attorney General; and
TERRY E. BRANSTAD, Governor of the
State of Iowa,

Plaintiffs,

v.

Case No. 2:14-cv-00341-KJM-KJN

**DECLARATION OF JENNIFER
FEARING IN SUPPORT OF PROPOSED
DEFENDANT-INTERVENOR'S MOTION
TO INTERVENE**

Date: April 25, 2014
Time: 10:00 a.m.
Judge: Kimberly J. Mueller

1 KAMALA D. HARRIS, in her official
2 capacity as Attorney General of California;
3 KAREN ROSS, in her official capacity as
4 Secretary of the California Department of
Food and Agriculture,
5
6 Defendants.

6 I, Jennifer Fearing, declare as follows:

7 1. I am the Deputy Director of Programs and Policy for The Humane Society of the
8 United States (“The HSUS”). I have personal knowledge of the facts set forth in this declaration.
9 The facts set forth are true to the best of my knowledge and recollection. If called, I could and
10 would testify to these facts in a court of law.

11 2. The HSUS is a nonprofit animal protection organization headquartered in
12 Washington, D.C., with millions of members and constituents, including over 1,450,000 members
13 and constituents in California. I have lived in Sacramento since April, 2008.

14 3. The HSUS’s mission is to reduce animal suffering and create meaningful societal
15 change by actively advocating against animal cruelty, working to enforce existing laws, promoting
16 sensible public policies, and educating the public about animal issues. As part of its mission, The
17 HSUS actively advocates against inhumane practices that harm farm animals, including those raised
18 for meat, eggs, and milk.

19 4. The HSUS has spent many years working to prevent routine cruelty to animals,
20 including advocating against barren battery cages, urging egg producers to convert to cage free
21 facilities, urging consumers to stop buying eggs from battery cage facilities, launching undercover
22 investigations, and working with dozens of universities, companies, and restaurant chains to
23 transition to the use of cage free eggs.

24 5. In an effort to eliminate barren battery cages from California, The HSUS began
25 drafting and refining language in early 2007 that eventually became California’s Proposition 2. In
26 addition, The HSUS committed substantial financial and human resources to coordinating and
27 gathering more than 700,000 registered voters’ signatures throughout California. During and after
28 the signature gathering phase, the HSUS gathered endorsements from hundreds of individuals,

1 groups and businesses, and its employees served as primary media sources and spokespeople
2 regarding Proposition 2.

3 6. By the end of the campaign, The HSUS and the Yes on Prop 2 campaign, which I
4 directed, reported financial contributions in support of Proposition 2's passage that exceeded
5 \$10,000,000. That amount includes the costs of activities described above, as well as advertising
6 costs and other expenses.

7 7. Despite vigorous opposition from the egg industry, Proposition 2 passed with the
8 approval of almost two thirds of California voters.

9 8. HSUS was also one of the primary supporters of Assembly Bill 1437. For
10 approximately two years prior and up until the bill's passage in 2010, The HSUS's staff and
11 members actively campaigned for the bill's passage for the purpose of ensuring that all California
12 grocers, food companies, and other egg sellers would only sell humanely produced whole eggs.
13 The HSUS worked with Assemblyman Jared Huffman to advance the bill; lobbied legislators;
14 testified at bill hearings; proposed amendments; urged newspaper editorial boards to support the
15 bill; submitted official comments in support; utilized email lists to generate support; and served as
16 media sources and spokespeople regarding AB 1437, among other things.

17 9. In sum, I and other staff and members of The HSUS spent hundreds of hours in
18 furtherance of AB 1437's passage, and made AB 1437 our top legislative priority during the two
19 years it took to move through the legislature and secure Governor Schwarzenegger's signature.

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10. As a result of the efforts by The HSUS and other supporters, AB 1437 passed the California Assembly by 65 votes to 9, and the California Senate by 23 votes to 7. Governor Schwarzenegger signed AB 1437 on July 6, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, based on my own personal knowledge, and as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

Executed this 25th day of March 2014, in Sacramento, California.


Jennifer Fearing

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