



July 23, 2013

## **Iowa Judge Rules against IDALS Motion to Consolidate Brakke Cases**

*Iowa Assistant Attorney General to Inquire Constitutionality of CWD Standards Rationale*

Today, July 23, 2013, the Iowa Administrative Legal Judge ruled against a motion request by the Iowa Department of Land Stewardship (IDALS) to merge the two contested cases (Ag and IDNR) filed by the Brakke family into one. The motion would also delay hearing the merits for both cases until November. Tom and Rhonda Brakke filed suit against IDALS last fall to seek indemnity for their animals on their breeder farm. The Brakke's filed a second suit against the Iowa Department of Natural Resources (IDNR) in July 2013, after the IDNR issued an emergency order quarantining their 330 acres until December 28, 2017. The Brakke's believe the two lawsuits are separate jurisdictions and constitutional takings even though they are both related to the exposure of Chronic Wasting Disease.

In a statement issued by the Iowa Assistant Attorney General, "Both cases will involve a constitutional takings analysis, and that analysis will involve some level of discussion of the science and rationale behind IDALS' and DNR's Chronic Wasting Disease (CWD) quarantine policies and the USDA's Program Standards for CWD exposed herds or property."

The American Cervid Alliance will distribute updates regarding the Iowa cases as they become available.