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Arkansas Freedom of Information Act: C & H Hog Farms, Inc./Freedom of Information Act Action: Arkansas Department of Environmental Quality Files Response Motion

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The Arkansas Department of Environmental Quality (“ADEQ”) filed both a Motion for Change of Venue and Motion to Dismiss in regards to the C & H Hog Farms, Inc. (“C & H”) October 16th action filed in Newton County, Arkansas, Circuit Court alleging a violation of the Arkansas Freedom of Information Act (“FOIA”).

As noted in a previous post (see previous blog post [here](#)), C & H filed a Complaint for Violation of the Freedom of Information Act of 1967 (“Complaint”) asking that the court:

. . . enforce the rights of C & H Hog Farms, Inc., to obtain copies of public records pursuant to the Arkansas Freedom of Information Act of 1967 (“FOIA”) Ark. Code Ann. §§ 25-19-101, *et seq.*

C & H operates a sow-farrowing facility in Newton County, Arkansas. The company and ADEQ are currently involved in both administrative and judicial litigation over certain permits for which the facility holds and/or has applied.

The previously referenced Motions were filed by ADEQ on November 2nd.

The Motion for Change of Venue argues in part:

Change of venue to Pulaski County Circuit Court is mandated by law upon request by ADEQ pursuant to Act 967 of 2017 and Ark. Code Ann. § 16-60-201(e).

The Motion to Dismiss argues in part:

- C & H’s Complaint should be dismissed for improper venue pursuant to Arkansas Rules of Civil Procedure 12(b)(3)
- C & H’s Complaint should be dismissed for failure to state facts upon which relief can be granted pursuant to Arkansas Rules of Civil Procedure 12(b)(6)
- C & H’s Complaint should be dismissed pursuant to Arkansas Rules of Civil Procedures 12(b)(6) as it impermissibly seeks relief that is not proper upon the facts stated

A copy of ADEQ’s combined Motions can be found [here](#).