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Counsel for the Utilities

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JAMON RIVERA, an individual;
INLAND NW AGC, a membership
organization; SPOKANE HOME
BUILDER’S ASSOCIATION, a
nonprofit corporation;
WASHINGTON STATE
ASSOCIATION OF UA PLUMBERS,
PIPEFITTERS AND HVAC/R
SERVICE TECHNICIANS, a labor
organization; CONDRON HOMES
LLC, a limited liability company;
PARAS HOMES LLC, a limited
liability company; GARCO
CONSTRUCTION INC., a for-profit
corporation, NATIONAL PROPANE
GAS ASSOCIATION, a national trade
association, CITIZEN ACTION
DEFENSE FUND, a nonprofit
corporation; AVISTA
CORPORATION; CASCADE
NATURAL GAS CORPORATION;
AND NORTHWEST NATURAL
GAS COMPANY,

Plaintiffs,

v.

WASHINGTON STATE BUILDING
CODE COUNCIL; KJELL
ANDERSON, JAY ARNOLD, TODD
BEYREUTHER, JUSTIN
BOURGAULT, MICAH CHAPPELL,
ANTHONY DOAN, DAIMON
DOYLE, TOM HANDY, ROGER
HEERINGA, MATTHEW HEPNER,
CRAIG HOLT, TYE MENSER,
PETER RIEKE, KATY SHEEHAN,
CAROLINE TRAUBE, in their
official capacities,

Defendants.

No. 1:23-cv-03070-SAB

**PLAINTIFFS’ NOTICE OF
VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Without Oral Argument

1 In light of this Court’s finding that Defendants have delayed the effective date
2 of the Appliance Restrictions and have initiated a process to consider amending them
3 to comply with the Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*,
4 and *California Restaurant Association v. City of Berkeley*, 65 F.4th 1045 (9th Cir.
5 2023), *see* ECF No. 73, Plaintiffs voluntarily dismiss the above-captioned case
6 without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) (stating a plaintiff may
7 dismiss an action without a court order by filing a notice of dismissal before the
8 opposing party serves either an answer or a motion for summary judgment). No
9 answer or motion for summary judgment has been served in the above-captioned
10 case.

11 DATED: August 3, 2023

13 By: /s/ Callie A. Castillo
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Counsel for the Utilities

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

August 3, 2023

Respectfully submitted,

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