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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SAVE OUR SHERWOODS, a non-profit organization, MOANA KEA AMONG, MAUREEN HARNISCH, ARCHIBALD KAOLULO, and MITCH WERTH

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF THE INTERIOR, DAVID BERNHARDT, Secretary of the Interior, CITY AND COUNTY OF HONOLULU, CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU; DEPARTMENT OF DESIGN AND CONSTRUCTION OF THE CITY AND COUNTY OF HONOLULU; DOES 1-10,

Defendants.

Civil Case No.: 19-00519 LEK-WRP
(Declaratory and Injunctive Relief)

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL OF ACTION; DECLARATION OF ATTORNEY TIMOTHY VANDEVEER; CERTIFICATE OF SERVICE

PLAINTIFFS' NOTICE OF DISMISSAL OF ACTION

Plaintiffs SAVE OUR SHERWOODS, MOANA KEA AMONG, MAUREEN HARNISCH, ARCHIBALD KAOLULO, and MITCH WERTH by and through their attorneys Timothy Vandever and Margaret Wille of Margaret Wille and Associates LLC, hereby submit their Notice of Voluntary Dismissal of Plaintiffs' First Amended Complaint ("FAC"), pursuant to Federal Rules of Civil Procedures ("FRCP") Rule 41(a)(1)(A)(i).

This Voluntary Dismissal comes before Defendants have filed an answer or motion for summary judgment pursuant to FRCP Rule 41(a)(1)(A)(i), which specifically provides for voluntary dismissal by the Plaintiff without Court order or stipulation of adverse parties, as follows:

by filing a notice of dismissal at any time before the return date as provided in Rule 12(a) or service by the adverse party of an answer or of a motion for summary judgment.

FRCP Rule 41(a)(1)(B) further provides that "Unless the notice or stipulation states otherwise, the dismissal is without prejudice."

Accordingly, since there has been no answer or motion for summary judgment filed to date, Plaintiffs are at liberty to voluntarily dismiss the pending lawsuit without requiring permission from the Court or stipulation by the opposing parties.

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Therefore, Plaintiffs hereby voluntarily dismiss this action, and do so without prejudice as provided for in FRCP Rule 41.

DATED: April 13, 2020, Honolulu, Hawai‘i 96816.

/s/ Timothy Vandever
Timothy Vandever
Margaret (Dunham) Wille

Attorneys for Plaintiffs