

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

INTERNATIONAL CENTER FOR)
TECHNOLOGY ASSESSMENT and CENTER)
FOR FOOD SAFETY,)

Plaintiffs,)

v.)

COUNCIL ON ENVIRONMENTAL QUALITY)
and MICHAEL BOOTS, ACTING CHAIR,)
COUNCIL ON ENVIRONMENTAL)
QUALITY,)

Defendants.)

Case No. 1:14-cv-00549-RBW

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs International Center for Technology Assessment (CTA) and Center for Food Safety (collectively, Plaintiffs) hereby voluntarily dismiss the above-captioned action.

On August 7, 2014, Defendant Council on Environmental Quality (CEQ or the agency) responded to the citizen petition at issue in the above-captioned action, denying CTA’s petition requests that the agency (1) amend its regulations that implement the National Environmental Policy Act (NEPA) to require climate change consideration and (2) issue a guidance clarifying how NEPA documentation should address climate change effects. Defs.’ Ex. 1, ECF No. 11-2.

Because CEQ’s petition response moots Plaintiffs’ procedural case, Plaintiffs voluntarily dismiss this action under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. Dismissal without prejudice and without an Order from the Court is proper under Rule 41(a)(1)(A)(i)

because this Notice of Voluntary Dismissal is being filed with the Court before service by Defendants of either an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (stating that plaintiffs may voluntarily dismiss an action “before the opposing party serves either an answer or a motion for summary judgment”).

However, should they so decide, Plaintiffs preserve their right to challenge CEQ’s petition denial on its merits.

Respectfully submitted this 20th day of August 2014.

/s/ Peter T. Jenkins

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