

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 19, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMON RIVERA, et al.

Plaintiffs,

v.

WASHINGTON STATE BUILDING

CODE COUNCIL, et al,

Defendants,

CLIMATE SOLUTIONS, et al.,

Defendant-Intervenors.

No. 1:23-CV-03070-SAB

**ORDER DENYING  
PRELIMINARY INJUNCTION;  
GRANTING MOTION TO  
STRIKE**

The Court heard oral argument on Plaintiffs’ Motion for Preliminary Injunction, ECF No. 25, on July 18, 2023 in Yakima, Washington. Plaintiffs were represented by Megan H. Berge, R. Scott Novak, Jr., Callie A. Castillo, and Brook L. Cunningham. Defendants were represented by William D. McGinty, R. July Simpson, Noelia Gravotta, and Jan E. Hasselman. For the reasons stated on the record, the Court denies Plaintiffs’ motion for preliminary injunction.

Before the Court, but not addressed at the hearing on July 18, 2023, is Defendants’ Motion to Strike State Defendants’ Motion to Dismiss, ECF No. 66. The State Defendants move the Court to strike its earlier-filed motion to dismiss at ECF No. 38. Plaintiffs filed a First Amended Complaint which is now the

**ORDER DENYING PRELIMINARY INJUNCTION; GRANTING  
MOTION TO STRIKE # 1**

1 operative complaint in this matter, ECF No. 47. The Court finds good cause to  
2 grant the motion and strike Defendants' previous motion to dismiss.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Plaintiffs' Motion for Preliminary Injunction, ECF No. 25, is  
5 **DENIED.**

6 2. Defendants' Motion to Strike State Defendants' Motion to Dismiss,  
7 ECF No. 66, is **GRANTED.**

8 3. The Washington State Defendant's Motion to Dismiss, ECF No. 38, is  
9 **STRICKEN.**

10 **IT IS SO ORDERED.** The Clerk of Court is hereby directed to file this  
11 Order and provide copies to counsel.

12 **DATED** this 19th day of July 2023.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

18 Stanley A. Bastian  
19 Chief United States District Judge  
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**ORDER DENYING PRELIMINARY INJUNCTION; GRANTING  
MOTION TO STRIKE # 2**