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**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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