

1 LANE POWELL PC
Callie A. Castillo, WSBA No. 38214
2 Devon J. McCurdy, WSBA No. 52663
Angela Foster, WSBA No. 52269
3 Daniel Miller, WSBA No. 56810
1420 Fifth Avenue, Suite 4200
4 P.O. Box 91302
Seattle, Washington 98111-9402
5 Telephone: 206.223.7000
Facsimile: 206.223.7107
6 castilloc@lanepowell.com
mccurdyd@lanepowell.com
7 fostera@lanepowell.com
millerd@lanepowell.com
8 *Counsel for the Homeowners, Builders, and Suppliers*

9 BAKER BOTTS L.L.P.
Megan H. Berge (DC Bar No. 983714) (*pro hac vice*)
10 Thomas Jackson (DC Bar No. 384708) (*pro hac vice*)
Scott Novak (DC Bar No. 1736274) (*pro hac vice*)
11 700 K Street NW
Washington, D.C. 20001
12 202-639-1308
megan.berge@bakerbotts.com
13 thomas.jackson@bakerbotts.com
scott.novak@bakerbotts.com
14 Francesca Eick (WA Bar No. 52432)
401 S 1st, Suite 1300
15 Austin, TX 78704
512-322-2672
16 francesca.eick@bakerbotts.com

17 RANDALL | DANSKIN, P.S.
Brook L. Cunningham, WSBA #39270
18 601 W. Riverside Avenue, Suite 1500
Spokane, WA 99201
19 Telephone: (509) 747-2502
Fax: (509) 624-2528
20 Email: blc@randalldanskin.com
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
14 LANE POWELL PC
15 Callie A. Castillo, WSBA No. 38214
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castilloc@lanepowell.com
mccurdyd@lanepowell.com
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By: /s/ Francesca Eick
BAKER BOTTS L.L.P.
Francesca Eick (WA Bar No. 52432)
401 S 1st, Suite 1300
Austin, TX 78704
Telephone: 512-322-2672
francesca.eick@bakerbotts.com

Megan H. Berge (DC Bar No. 98371)
Thomas Jackson (DC Bar No. 384708)
Scott Novak (DC Bar No. 1736274)
700 K Street NW
Washington, D.C. 20001
Telephone: 202-639-1308
megan.berge@bakerbotts.com
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601 W. Riverside Avenue, Suite 1500
Spokane, WA 99201
Telephone: (509) 747-2502
Fax: (509) 624-2528
Email: blc@randalldanskin.com

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,

By: /s/ Francesca Eick
BAKER BOTTS L.L.P.
Francesca Eick (WA Bar No. 52432)
401 S 1st, Suite 1300
Austin, TX 78704
Telephone: 512-322-2672
francesca.eick@bakerbotts.com