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10 *and James B. Oerding*

11
12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 Darrell Issa, et al,
15 Plaintiffs,
16
17 v.
18 Gavin Newsom, et al.,
19 Defendants.

Case No. 2:20-cv-01044-MCE-CKD

**NOTICE OF VOLUNTARY DISMISSAL
AND PROPOSED ORDER (FED. R. CIV.
P. 41(A)(1)(A))**

Judge: Morrison C. England, Jr.

20
21 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiffs Darrell Issa, Jerry
22 Griffin, Michelle Bolotin, Michael Sienkiewicz, and James B. Oerding ("Plaintiffs") hereby
23 voluntarily dismiss this action in its entirety.

24 On May 21, 2020, Plaintiffs filed this action against Gavin Newsom and Alex Padilla,
25 in their official capacities ("Defendants"), challenging the constitutionality of Defendant
26 Newsom's Executive Order N-64-20, which ordered California to automatically send vote-
27 by-mail ballots to every registered voter for the November 3, 2020 general election. Plain-
28 tiffs moved for preliminary injunction on Counts I and II on June 11, 2020. (ECF No. 38.)

1 On June 18, 2020, the California Legislature enacted AB 860. (ECF No. 54.) Plaintiffs are
2 authorized to state on behalf of Defendants Newsom and Padilla as follows: "As previously
3 stated in their filings, Defendants confirm that Executive Order N-64-20 has been super-
4 seded by AB 860; as a result of the enactment of AB 860, Defendants will not rely upon
5 Executive Order N-64-20 in connection with the November 2020 election." (See ECF No.
6 59 at 7.)

7 Accordingly, Plaintiffs hereby voluntarily dismiss this action. Plaintiffs and Defend-
8 ants Newsom and Padilla agree that they will bear their own attorneys' fees, expenses,
9 and costs.

10
11 July 9, 2020

JUDICIAL WATCH, INC.

12
13 By: s/ Russell Nobile
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PROPOSED ORDER

In consideration of Plaintiffs' Notice of Voluntary Dismissal, Plaintiffs Darrell Issa, Jerry Griffin, Michelle Bolotin, Michael Sienkiewicz, and James B. Oerding's complaint is dismissed under Federal Rule of Civil Procedure 41(a)(1)(A). The parties shall bear their own attorneys' fees, expenses, and costs.

IT IS SO ORDERED.

Dated: _____, 2020

Morrison C. England, Jr.
United States District Court Judge