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

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| AGUA CALIENTE BAND OF CAHUILLA INDIANS, *et al.*,<br><br>Plaintiffs,<br><br>v.<br><br>STEVE MNUCHIN, in his official capacity as Secretary of the Treasury,<br><br>Defendant. | Case No. 1:20-cv-1136-APM |

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs the Agua Caliente Band of Cahuilla Indians, Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Cherokee Nation, Chickasaw Nation, Choctaw Nation of Oklahoma, Snoqualmie Indian Tribe, and Yurok Tribe of the Yurok Reservation ("Plaintiffs") hereby give notice of their voluntary dismissal of the above-referenced matter without prejudice. *See, e.g., Queen v. Schmidt*, No. 10-2017 (PLF), 2016 WL 2757359, at * 1 (D.D.C. May 12, 2016) (A plaintiff may "voluntarily dismiss his or her own action 'without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.'") (quoting Fed. R. Civ. P. 41(a)(1)(A)(i)).

Plaintiffs brought this action on April 30, 2020, to compel Defendant Steven Mnuchin, Secretary of the Treasury, to immediately distribute all funds appropriated by Congress under Title V of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 ("CARES Act"), to aid Tribal governments in combating the devastating impacts of the COVID-19 pandemic.[1] ECF

[1] Plaintiffs amended their complaint and motion on May 3, 2020, for the sole purpose of adding Plaintiffs Chickasaw Nation and Choctaw Nation of Oklahoma. ECF Nos. 11-12.

No. 1. On May 1, 2020, Plaintiffs moved for a temporary restraining order, preliminary injunction, and emergency writ of mandamus. ECF No. 4. This Court denied that motion though, in doing so, affirmatively stated that Plaintiffs could renew their motion at an appropriate juncture in the future. ECF No. 29. On June 5, 2020, the Plaintiffs renewed their motion for preliminary injunction. ECF No. 37. On June 15, 2020, the Court granted the Plaintiffs' motion and ordered the Secretary to disburse, no later than June 17, 2020, the remaining $679 million in Title V CARES Act funds. ECF Nos. 41-42.

On June 22, 2020, Counsel for Defendant via email confirmed that – with the exception of monies being withheld pending the outcome of *Confederated Tribes of the Chehalis Reservation et al. v. Mnuchin*, No. 1:20-cv-01002 (D.D.C. filed Apr. 17, 2020) – all tribal CARES Act funds have now been disbursed. Defendant, through counsel, has informed Plaintiffs that all funds intended to be distributed to Plaintiffs have now been distributed (save the funds set aside for *Chehalis*). Accordingly, because Plaintiffs have obtained the relief they sought in the disbursement of the CARES Act funds and Defendant has neither served an answer or moved for summary judgment, the Plaintiffs hereby give notice of their voluntary dismissal of this action without prejudice.[2]

Respectfully submitted July 2, 2020.

/s/ Keith M. Harper
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[2] Pursuant to the Court's June 25, 2020 Minute Order, the Parties were ordered "to meet and confer and, by July 2, 2020, propose a schedule for further proceedings in this matter, if necessary." The Parties did meet and confer and agreed that there is no need for further proceedings in light of the filing of this voluntary dismissal.

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**Attorneys for Plaintiffs**

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 2, 2020, I electronically filed the foregoing Notice of Voluntary Dismissal Without Prejudice with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Keith M. Harper
Keith M. Harper, DC Bar No. 451956