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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION**

J.G.C. and J.N.C., by and through their
parents and legal guardians, PAUL Y.
CHUNG and IRIS J. CHUNG,

Plaintiffs,

v.

WASHINGTON INTERSCHOLASTIC
ACTIVITIES ASSOCIATION,

Defendant.

No. 3:19-cv-05730-RBL

**PLAINTIFFS' NOTICE TO
WITHDRAW PENDING MOTION**

1. At the time Plaintiffs filed this lawsuit, Defendant Washington Interscholastic Activities Association's (WIAA) rules provided, in relevant part, that:

By entering participants in postseason competition, each member school certifies that, barring injury, illness or unforeseen events, the team or individuals representing the school will participate in every level of competition through the completion of the state championship event.

Rule 22.2.5, *2018–19 Official Handbook*, WIAA, <https://perma.cc/P67U-GCPH>.

The rules further provided that:

Any withdrawal or intentional forfeiture shall be considered a violation of WIAA rules and regulations, and shall be subject to penalties as determined by the WIAA Executive Board.

1 Rule 22.2.6, *id.*

2 2. The final day of the 2019-20 postseason tennis competition in which Plaintiffs'
3 school participates is set to occur on May 30, 2019, during Plaintiff J.N.C.'s Sabbath.
4 Because J.N.C. cannot play at that time, the effect of Rules 22.2.5 and 22.2.6 would
5 have been to prohibit J.N.C. from entering the competition in its entirety. The first
6 stages of the competition are set to begin in mid-October 2019.

7 3. When Plaintiffs previously requested that WIAA allow withdrawal from post-
8 season play for religious reasons, WIAA denied their request. *See* ECF 18 at 16 (WIAA
9 letter of April 23, 2019).

10 4. Plaintiffs thus filed this lawsuit on August 6, 2019. ECF 1. Plaintiffs also
11 sought a preliminary injunction, seeking, *inter alia*, to have the Court "enjoin[] WIAA
12 from enforcing its Rules 22.2.5 and 22.2.6 against J.N.C. to prevent him from with-
13 drawing from postseason competition in the event of a conflict with the Sabbath."
14 ECF 10 at 31.

15 5. On August 27, 2019, WIAA's Executive Board adopted amendments to Rules
16 22.2.5 and 22.2.6. The amended rules provide (additions in italics):

17 Rule 22.2.5: By entering participants in postseason competition, each
18 member certifies that, barring injury, illness, *religious observance*, or
19 unforeseen events, the team or individuals representing the school will
20 participate in every level of competition through the completion of the
21 state championship.

22 Rule 22.2.6: Any withdrawal or intentional forfeiture *for a reason other*
23 *than those listed in rule 22.2.5* shall be considered a violation of WIAA
24 rules and regulations and shall be subject to penalties as determined by
25 the WIAA Executive Board.

26 6. Under the amended rules, it will not be a violation for J.N.C. to enter the post-
27 season, and then withdraw, if necessary, upon reaching a point at which participation
would be inconsistent with J.N.C.'s observation of the Sabbath.

1 7. The state championship tournament remains scheduled to take place on May
2 29–30, 2020. May 30, 2020 is a Saturday.

3 8. In light of the effect of these changed circumstances on Plaintiffs’ need for pre-
4 liminary relief against WIAA by mid-October of this year, Plaintiffs hereby withdraw
5 the pending motion for preliminary injunction (ECF No. 10), noted for consideration
6 on September 6, 2019 (ECF No. 23). The withdrawal is without prejudice to any fu-
7 ture motion Plaintiffs might file, including a motion concerning Plaintiff children’s
8 ability to play in postseason competition.

9 Respectfully submitted this 27th day of August, 2019.

10
11 /s/ Joseph C. Davis

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17 *Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2019, the foregoing notice was served on all parties via ECF.

/s/ Joseph C. Davis
Joseph C. Davis

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