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Superior Court of California,
County of Imperial
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL

Tom Dubose, Kevin Smith, Ryan Dickerson, Daryl Dickerson and Carl Stills Petitioners vs. County of Imperial et. al. Respondents Kristian Salgado, et. al. Real Parties in Interest	Case No: ECU04709 Judge: Hon. L. Brooks Anderholt **NOTICE OF MOOTNESS AND REQUEST FOR DISMISSAL OF VERIFIED PETITION AS MOOT**

NOTICE OF MOOTNESS AND REQUEST FOR DISMISSAL OF VERIFIED PETITION AS MOOT

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Petitioners Tom Dubose, Kevin Smith, Ryan Dickerson, Daryl Dickerson, and Carl Stills (collectively, "Petitioners"), by and through their undersigned counsel, hereby notify the Court that the Imperial County Data Center Prohibition Act initiative (the "Initiative") that is the subject of this action has been withdrawn by its official proponents.

Plaintiffs pre-election initiative challenge argued the initiative was invalid on multiple independent grounds, including:

- Single-subject rule violation (Cal. Const., art. II, § 8(d)) -- bundling a land-use/zoning ban with an entirely separate ethics, disclosure, criminal enforcement, bond liability, and private right of action regime.

- Exceeds local initiative power -- attempting to commandeer administrative, ministerial, and quasi-judicial functions (e.g., barring processing of pending applications, dictating recusal procedures, forcing County Counsel forms, creating public registers, etc.).

- Retroactivity/vested rights problems.

- First Amendment, Political Reform Act preemption, due process/bill of attainder (especially the 5-year "revolving door" and Section 13 provisions), and separation of powers issues.

Elections Code § 9118.5, provides that the "proponent of an initiative **may withdraw the initiative** at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official."

On May 19, 2026, all five official proponents (Real Parties in Interest Kristian Salgado, Francisco Leal, Christopher Scurries, James Tison, and Jacob Rodriguez) delivered to Respondent Linsey Dale, Imperial County Registrar of Voters, a written notice of withdrawal of the Initiative pursuant to California Elections Code § 9118.5. A true and correct copy of that withdrawal letter, bearing the Registrar's stamp of receipt dated May 19, 2026, is attached hereto as Exhibit A and incorporated by reference.

Because the Initiative has been validly withdrawn under Elections Code § 9118.5, it will not be processed further by the Registrar of Voters, will not be certified for placement on any ballot, and will not be submitted to the voters of Imperial County. The core relief sought in the Verified Petition for Writ of Mandate, Declaratory and Injunctive Relief - namely, a writ directing Respondents not to further process, certify, circulate, or submit the Initiative to the voters - can no longer be granted. There is no longer a live justiciable controversy or case or controversy before this Court.

Under well-established California law, when the challenged governmental action or measure is voluntarily withdrawn or abandoned, a pre-election challenge becomes moot. (See, e.g., *Wilson v. Superior Court* (2018) 23 Cal.App.5th 162; *Citizens for Responsible Government v. City of Santa Rosa* (1998) 60 Cal.App.4th 1050.) Dismissal as moot is therefore appropriate.

Accordingly, Petitioners respectfully request that the Court: Dismiss the Verified Petition for Writ of Mandate, Declaratory and Injunctive Relief in its entirety as moot. This **dismissal is without prejudice** to Petitioners refiling a new action in the event a new or revised initiative measure concerning data centers is filed with the Imperial County Registrar of Voters and proceeds toward qualification.

This Notice is filed in good faith based on the proponents' voluntary withdrawal of the Initiative.

Dated: May 20, 2026

Respectfully submitted,

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci (State Bar #178114)
Attorney for Petitioners

ATTORNEY'S CERTIFICATE OF SERVICE BY E-MAIL

I, Sebastian Rucci, certify that I am an active member of the State Bar of California and am not a party to this cause. My business address is 16400 Pacific Coast Highway, Suite 212, Huntington Beach, CA 92649.

I CERTIFY THAT on May 20, 2026, the **Notice of Mootness and Request for Dismissal of Verified Petition as Moot** to County counsel for the County of Imperial, Geoffrey Holbrook at geoffreypholbrook@co.imperial.ca.us and real party in interest James Tison at JakeTison@cox.net by One Legal, through www.onelegal.com interface.

I FURTHER CERTIFY THAT on May 20, 2026, I emailed the **Notice of Mootness and Request for Dismissal of Verified Petition as Moot** to County counsel for the County of Imperial, Geoffrey Holbrook at geoffreypholbrook@co.imperial.ca.us and real party in interest James Tison at JakeTison@cox.net from Sebastian@Rucci.Law. The transmission was complete without error and I did not receive an electronic notification to the contrary.

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci (State Bar #178114)
Attorney for Petitioners

EXHIBIT A

VIA PERSONAL DELIVERY

May 19, 2026

Linsey Dale
Registrar of Voters
County of Imperial
940 West Main Street, Suite 206
El Centro, California 92243

Re: Withdrawal of The Imperial County Data Center Prohibition Act Initiative

Dear Ms. Dale:

We, the undersigned official proponents of The Imperial County Data Center Prohibition Act initiative ("Initiative"), hereby withdraw the Initiative pursuant to Elections Code Section 9118.5.

Sincerely,

Kristin Salgado

Francisco Leal

Christopher Scurries

James Tison

Jacob Rodriguez

Registrar of Voters
MAY 19 2026
Imperial County

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