

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/20/2018
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CENTER FOR CONSTITUTIONAL RIGHTS, INC.,

Plaintiff,

v.

DEPARTMENT OF DEFENSE; CENTRAL
COMMAND; COAST GUARD; DEPARTMENT OF
NAVY; EUROPEAN COMMAND; DEPARTMENT
OF HOMELAND SECURITY; DEPARTMENT OF
JUSTICE; AND DEPARTMENT OF STATE,

Defendants.

No. 11 Civ. 3533 (VEC)

**STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL**

WHEREAS, on June 30, 2010, Plaintiff the Center for Constitutional Rights (“Plaintiff”) made requests (the “Requests”) pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”) to the U.S. Department of Defense, U.S. Department of the Navy, U.S. Central Command, and U.S. European Command (together, “DoD”); the U.S. Coast Guard (“USCG”); the U.S. Department of Homeland Security (“DHS”); the U.S. Department of Justice (“DOJ”); and the U.S. Department of State (“State,” and together with DoD, USCG, DHS, and DOJ, the “Agencies”);

WHEREAS, on May 24, 2011, Plaintiff filed a complaint (the “Complaint”) in the instant action (the “Action”) against the Agencies, seeking to compel the Agencies to produce documents in response to their Requests, ECF No. 1;

WHEREAS on February 24, 2017, following supplemental productions by the Agencies in response to Plaintiff’s Requests, the parties informed the Court that there would be no

litigation regarding the Agencies' responses to Plaintiff's Requests, and that Plaintiff would seek attorneys' fees and litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E), ECF No. 98; and

WHEREAS, the Parties now wish to settle Plaintiff's claim for attorneys' fees and litigation costs,

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the Parties as follows:

1. The Action is hereby dismissed with prejudice.
2. Plaintiff stipulates and agrees to accept the Settlement Amount (defined below) in full settlement and satisfaction of any and all claims related to the FOIA Requests and the instant litigation, and thereby releases and discharges the Agencies and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiff asserted, or could have asserted, in this litigation arising out of the Requests.
3. In consideration for the release of Plaintiff's claims, the Agencies shall pay Plaintiff the total sum of two hundred fifty thousand dollars (\$250,000) in settlement of Plaintiff's claim for attorneys' fees and litigation costs (the "Settlement Amount"). The Settlement Amount paid by the Agencies shall constitute full and final satisfaction of any claims by Plaintiff for attorneys' fees and litigation costs in this matter, and they are inclusive of any interest. The payment shall be made by one or more electronic funds transfers, and counsel for Plaintiff will provide the necessary information to counsel for the Agencies to effectuate the transfer(s).
4. The Agencies shall make best efforts to pay the Settlement Amount to Plaintiff's as soon as practicable.

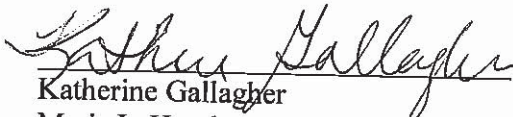
5. Nothing in this Stipulation and Order shall constitute an admission by the Agencies that they are liable for any attorneys' fees or litigation costs, or that Plaintiff "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or is entitled to or eligible for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the Agencies solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning Plaintiff's claims for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving any of the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by Plaintiff under FOIA.

6. This Stipulation and Order contains the entire agreement between the Parties, and no statement, representation, promise, or agreement, oral or otherwise, between the Parties or their counsel that is not included herein shall have any force or effect.

7. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

8. This Order shall be effective only upon entry by the Court, and shall have no effect otherwise.

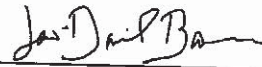
Dated: New York, New York
March 19, 2018


Katherine Gallagher
Maria LaHood
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Tel: (212) 614-6455
kgallagher@ccrjustice.org
Counsel for Plaintiff

Dated: New York, New York
March 19, 2018

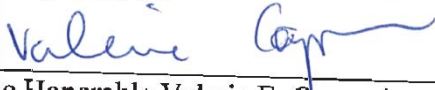
GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:



Jean-David Barnea
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2679
E-mail: jean-david.barnea@usdoj.gov
Counsel for the Agencies

SO ORDERED:



The Honorable Valerie E. Caproni
United States District Judge

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3/20/2018

Date