

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: April 9, 2019

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DETENTION WATCH NETWORK and
CENTER FOR CONSTITUTIONAL RIGHTS,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT and UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

No. 14 Civ. 583 (LGS)

**STIPULATION AND ORDER PARTIALLY RESOLVING
PLAINTIFFS' REQUEST FOR ATTORNEYS' FEES AND COSTS**

WHEREAS, on November 25, 2013, Plaintiffs Detention Watch Network and the Center for Constitutional Rights (collectively, "Plaintiffs") made requests (the "Requests") pursuant to the Freedom of Information Act ("FOIA") to U.S. Immigration and Customs Enforcement ("ICE") and the U.S. Department of Homeland Security ("DHS," and together with ICE, the "Agencies");

WHEREAS, on January 30, 2014, Plaintiffs filed a complaint in the instant action against the Agencies, seeking to compel the Agencies to produce documents in response to their Requests, ECF No. 1-1;

WHEREAS, the Agencies produced responsive documents to Plaintiffs and withheld certain responsive documents as exempt in whole or in part;

WHEREAS, Plaintiffs and the Agencies (together, the “Parties”) each cross-moved for partial summary judgment, and on July 14, 2016, this Court ordered ICE to produce certain information that had previously been withheld from a specific set of documents, ECF No. 123;

WHEREAS, on October 31, 2017, the Court entered the Parties’ stipulation resolving all of Plaintiffs’ outstanding claims for production of responsive records in this case, and setting a schedule for the Parties to negotiate and, if necessary, brief Plaintiffs’ claim for attorneys’ fees and litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E), ECF No. 189;

WHEREAS, on March 2, 2018, the Court entered a stipulation and order partially resolving Plaintiffs’ request for attorneys’ fees and litigation costs, ECF No. 197 (the “Partial Attorneys’ Fees Stipulation”);

WHEREAS, on February 5, 2019, the Court issued an opinion and order supporting an award by the Agencies to Plaintiffs for fees and costs incurred while litigating this action in the Second Circuit and Supreme Court, ECF No. 205;

WHEREAS, the Parties now wish to settle the remaining portion of Plaintiffs’ claim for attorneys’ fees and litigation costs.

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

1. In addition to any amounts previously paid pursuant to the Partial Attorneys’ Fees Stipulation, ICE shall pay Plaintiffs the sum of sixty-seven thousand five hundred dollars (\$67,500) for attorneys’ fees and litigation costs. Together with the previous payments made by the Agencies in this case pursuant to the Partial Attorneys’ Fees Stipulation, this payment shall constitute full and final satisfaction of any claims by Plaintiffs for attorneys’ fees and litigation costs in this matter, inclusive of any interest. The payment shall be made by electronic funds

transfer, and counsel for Plaintiffs will provide the necessary information to counsel for ICE to effectuate the transfers.

2. Plaintiffs release and discharge 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 Plaintiffs asserted, or could have asserted, in this litigation arising out of the Requests.

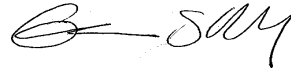
3. Nothing in this Stipulation and Order shall constitute an admission that the Agencies, including ICE, are liable for any attorneys' fees or litigation costs, or that Plaintiffs "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or are entitled to or eligible for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the Parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning Plaintiffs' 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 Plaintiffs under FOIA.

4. 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.

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

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

Dated: New York, New York
April 8, 2019



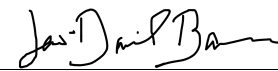
Ghita Schwarz
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Tel: (212) 614-6445
Fax: (212) 614-6499
gschwarz@ccrjustice.org

Counsel for Plaintiffs

Dated: New York, New York
April 8, 2019

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 Telephone:
(212) 637-2679 Facsimile: (212)
637-2686
E-mail: jean-david.barnea@usdoj.gov

Counsel for the Agencies

SO ORDERED

Dated: April 9, 2019
New York, New York

SO ORDERED



HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE