

Schofield, J.

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

AMERICAN IMMIGRATION COUNCIL
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 06/06/2017

No. 14 Civ. 8403 (LGS)

**STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL**

WHEREAS, plaintiffs American Immigration Council, National Immigration Project of the National Lawyers Guild, and the American Civil Liberties Union ("Plaintiffs") brought a Freedom of Information Act ("FOIA") action, on or about October 21, 2014, to compel Defendants the United States Department of Homeland Security ("DHS"), Office for Civil Rights and Civil Liberties ("CRCL"), United States Immigration and Customs Enforcement ("ICE"), United States Citizenship and Immigration Services ("USCIS"), and United States Customs and Border Protection ("CBP") (collectively "Defendants") to search for and produce documents responsive to a FOIA request submitted by Plaintiffs on July 29, 2014 (Dkt. No. 1);

WHEREAS, Defendants with responsive documents produced such documents in response to Plaintiffs' FOIA Request during the pendency of this litigation;

WHEREAS, the parties agree that the only remaining issue in this matter concerns Plaintiffs' entitlement to attorney's fees and other litigation costs reasonably incurred in this case pursuant to 5 U.S.C. § 552(a)(4)(E) ("Plaintiffs' Fee Request");

WHEREAS, the parties wish to resolve this matter consensually without further litigation.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. Pursuant to 5 U.S.C. § 552(a)(4)(E), promptly after the Court has endorsed and docketed this Stipulation and Order ICE shall pay to Plaintiffs the sum of \$16,800 (the “ICE Settlement Amount”), USCIS shall pay to Plaintiffs the sum of \$21,600 (the “USCIS Settlement Amount”) and CRCL shall pay to Plaintiffs the sum of \$9,600 (the “CRCL Settlement Amount” and collectively with the ICE Settlement Amount and the USCIS Settlement Amount, the “Settlement Amount”).

2. Plaintiffs agree to accept the Settlement Amount in full satisfaction of any possible claim, demand or entitlement for attorney’s fees and costs Plaintiffs have incurred or will incur in this action.

3. This action is hereby dismissed with prejudice, provided that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order.

4. Effective upon payment of the Settlement Amount set forth in Paragraph 1, Plaintiffs release the United States, its agencies, departments, officers, employees, servants, and agents, including Defendants, from any claims for attorney’s fees, costs, and expenses of any kind, and however denominated, relating to services performed in connection with this instant action.

5. Nothing in this Stipulation and Order shall constitute an admission by United States of America or its agencies, including Defendants, that Plaintiffs or their counsel are entitled to attorney’s fees and costs under 5 U.S.C. § 552(a)(4)(E) in this action, or any other FOIA action.

6. The Parties understand and agree that this Stipulation and Order contains the entire agreement between them. No statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

7. This stipulation may be executed in counterparts. Facsimile or pdf signatures shall have the same force and effect as original signatures.

Dated: Washington, D.C.
June 5, 2017

Dated: New York, New York
June 5, 2017

JENNER & BLOCK LLP

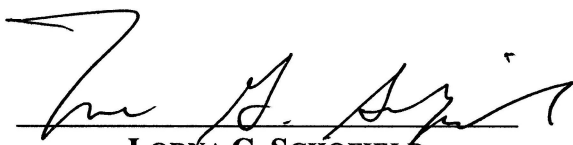
JOON H. KIM
Acting United States Attorney for the
Southern District of New York

By: 
MATTHEW E. PRICE
1099 New York Avenue, N.W.,
Suite 900
Washington, D.C. 20001-4412
Telephone: (202) 639-6873
Email: mprice@jenner.com
Attorney for Plaintiffs

By: 
JACOB M. BERGMAN
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2776
Facsimile: (212) 637-2686
Email: jacob.bergman@usdoj.gov
Attorney for Defendants

SO ORDERED.

Dated: New York, New York
June 6, 2017


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE