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7 Attorneys for Defendants

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

| | | | |
|----|-----------------------------------|---|---|
| 12 | LAWYERS' COMMITTEE FOR CIVIL |) | CIVIL ACTION NO. 16-CV-0544 KAW |
| 13 | RIGHTS OF THE SAN FRANCISCO BAY |) | |
| 14 | AREA; CENTER FOR GENDER & REFUGEE |) | |
| 15 | STUDIES; COMMUNITY LEGAL SERVICES |) | STIPULATION AND [PROPOSED] ORDER |
| 16 | IN EAST PALO ALTO; AMERICAN |) | RE SETTLEMENT AND DISMISSAL WITH |
| 17 | IMMIGRATION LAWYERS ASSOCIATION, |) | PREJUDICE |
| 18 | |) | |
| 19 | Plaintiffs, |) | |
| 20 | |) | |
| 21 | v. |) | |
| 22 | |) | |
| 23 | EXECUTIVE OFFICE FOR IMMIGRATION |) | |
| 24 | REVIEW; UNITED STATES DEPARTMENT |) | |
| 25 | OF JUSTICE, |) | |
| 26 | |) | |
| 27 | Defendants. |) | |
| 28 | |) | |

22 Plaintiffs, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Center for
 23 Gender & Refugee Studies, Community Legal Services in East Palo Alto, and American Immigration
 24 Lawyers Association, and Defendants, Executive Office for Immigration Review and United States
 25 Department of Justice, hereby enter into this Stipulation and [Proposed] Order Re Settlement and
 26 Dismissal with Prejudice ("Stipulation"), as follows:
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 28

1 1. Defendants shall pay \$52,000 (fifty-two thousand dollars and no cents) to Plaintiffs in
2 full and complete satisfaction of Plaintiffs' claims for attorneys' fees, costs, and litigation expenses
3 under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, in the above-captioned
4 matter. This payment shall constitute full and final satisfaction of any and all of Plaintiffs' claims for
5 attorneys' fees, costs, and litigation expenses in the above-captioned matter, and is inclusive of any
6 interest. Payment of this money will be made by electronic funds transfer or check promptly after
7 notification of the Court's entry of this Stipulation and after receipt of necessary information from
8 Plaintiffs in order to effectuate the payment. Defendants will make all reasonable efforts to make
9 payment within thirty (30) days of the date that Plaintiffs' counsel provides the necessary information
10 for the electronic funds transfer and this Stipulation is approved by the Court, whichever is later, but
11 cannot guarantee payment within that time frame.

12 2. Upon the execution of this Stipulation, Plaintiffs, having received the records they
13 requested, hereby release and forever discharge Defendants, its successors, the United States of
14 America, and any department, agency, or establishment of the United States, and any officers,
15 employees, agents, successors, or assigns of such department, agency, or establishment, from any and all
16 claims and causes of action that Plaintiffs assert or could have asserted in this litigation, or which
17 hereafter could be asserted by reason of, or with respect to, or in connection with, or which arise out of,
18 the specific FOIA requests on which this action is based, including but not limited to all past, present, or
19 future claims for attorneys' fees, costs, or litigation expenses in connection with the above-captioned
20 litigation.

21 3. Execution of this Stipulation and its approval by the Court shall constitute dismissal of
22 this case with prejudice pursuant to Fed. R. Civ. P. 41(a).

23 4. The parties acknowledge that this Stipulation is entered into solely for the purpose of
24 settling and compromising any remaining claims in this action without further litigation, and it shall not
25 be construed as evidence or as an admission on the part of Defendants, the United States, its agents,
26 servants, or employees regarding any issue of law or fact, or regarding the truth or validity of any
27 allegation or claim raised in this action, or as evidence or as an admission by the Defendants regarding
28 Plaintiffs' entitlement to attorneys' fees, costs, or other litigation expenses under FOIA. This

1 Stipulation shall not be used in any manner to establish liability for fees or costs in any other case or
2 proceeding involving Defendants.

3 6. This Stipulation is binding upon and inures to the benefit of the parties hereto and their
4 respective successors and assigns.

5 7. If any provision of this Stipulation shall be held invalid, illegal, or unenforceable, the
6 validity, legality, and enforceability of the remaining provisions shall not in any way be affected or
7 impaired thereby.

8 8. This Stipulation shall constitute the entire agreement between the parties, and it is
9 expressly understood and agreed that this Stipulation has been freely and voluntarily entered into by the
10 parties hereto. The parties further acknowledge that no warranties or representations have been made on
11 any subject other than as set forth in this Stipulation.

12 9. The persons signing this Stipulation warrant and represent that they possess full authority
13 to bind the persons on whose behalf they are signing to the terms of the Stipulation.

14 10. This Stipulation may not be altered, modified or otherwise changed in any respect except
15 in writing, duly executed by all of the parties or their authorized representatives.

16 11. The Stipulation may be executed in counterparts and is effective on the date by which
17 both parties have executed the Stipulation.

18 SO STIPULATED AND AGREED.

19 Respectfully submitted,

20 BRIAN J. STRECH
21 United States Attorney

22 Dated: March 27, 2017

23 By: /s/ Kimberly Friday
24 KIMBERLY FRIDAY
25 Assistant United States Attorney
26 Counsel for the Defendants

27 Dated: March 27, 2017

28 By: /s/ Thomas R. Burke
Thomas R. Burke
DAVIS WRIGHT TREMAINE LLP
Counsel for Plaintiffs

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CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attests that I have conferred with Thomas Burke, counsel for plaintiffs, regarding this filing. Mr. Burke has represented that he concurs in the filing of this document and that I am authorized to file it on his behalf.

BRIAN J. STRETCH
United States Attorney

Dated: March 27, 2017

By: /s/ Kimberly Friday
KIMBERLY FRIDAY
Assistant United States Attorney
Counsel for the Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:

Honorable Kandis A. Westmore
United States Magistrate Judge