

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

Civil Action No 19-0689 (DLF)

U.S. CUSTOMS AND BORDER
PROTECTION,

Defendant.

STIPULATION FOR COMPROMISE SETTLEMENT AND RELEASE OF CLAIMS

Plaintiff Electronic Privacy Information Center (“EPIC”) and Defendant U.S. Customs and Border Protection (“CBP” or “Defendant”) (collectively the “Parties”), by and through their respective counsel, hereby stipulate and agree as follows in the above-captioned civil action brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. §552, as amended:

1. The Parties do hereby agree to settle, compromise, and dismiss the above-captioned action under the terms and conditions set forth herein.
2. Since Plaintiff’s filing of the above-captioned matter, CBP has produced documents responsive to Plaintiff’s FOIA request, with certain information redacted under the applicable various FOIA exemptions.
3. Plaintiff agrees to forever discharge, release, and withdraw any and all claims and causes of action that Plaintiff asserts or could have asserted in this litigation.
4. Defendant shall pay Plaintiff a lump sum of \$7,000.00 (Seven Thousand Dollars) an amount that is inclusive of all attorneys’ fees and costs in this matter.
5. Payment of such attorneys’ fees and costs will be made by an electronic transfer of funds

to a bank account specified by Plaintiff. Concurrent with the execution of this Stipulation, the Parties will sign and Plaintiff will file within five (5) business days, the joint stipulation of dismissal with prejudice of the above-captioned case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that is attached hereto as Exhibit A. Upon filing Exhibit A, Plaintiff will provide the necessary wiring instruction information to Defendant to effectuate this payment.

6. This Stipulation for Compromise Settlement and Release of Claims (“Stipulation”) shall represent full and complete satisfaction of all claims arising or could have arisen from the allegations set forth in the Complaint filed in this action, including full and complete satisfaction of all claims for costs, attorneys’ fees, search, review, or processing fees that have been, or could be, made in this case. In particular, this Stipulation shall include all claims for attorneys’ fees and costs, as well as search, review, and processing fees incurred by either Party in connection with the administrative Freedom of Information Act (FOIA) process, the District Court litigation process, and any other proceedings involving the claims raised in this action.
7. This Stipulation shall not constitute an admission of liability or fault on the part of the Defendant or the United States or their agents, servants, or employees, and is entered into by the Parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.
8. This Stipulation shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
9. The Parties agree that this Stipulation will not be used as evidence or otherwise in any pending or future civil or administrative action against Defendant or the United States, or any agency or

instrumentality of the United States.

10. This Stipulation may be executed in counterparts as if executed by both Parties on the same document.

Marc Rotenberg, D.C. Bar #422825
EPIC President and Executive Director

Alan Butler, D.C. Bar #1012128
EPIC General Counsel

/s/ Jeramie D. Scott
Jeramie D. Scott, D.C. Bar #1025909
EPIC Senior Counsel

ELECTRONIC PRIVACY
INFORMATION CENTER
1519 New Hampshire Avenue, N.W.
Washington, District of Columbia 20036
Telephone: 202 483 1140
Facsimile: 202 482 1248

Counsel for Plaintiff

TIMOTHY J. SHEA
D.C. Bar #437437
United States Attorney

DANIEL F. VAN HORN
D.C. BAR # 924092
Chief, Civil Division

By: /s/ John C. Truong
JOHN C. TRUONG
D.C. BAR #465901
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530
Tel: (202) 252-2524
Fax: (202) 252-2599
E-mail: John.Truong@usdoj.gov
Counsel for Defendant

Dated: April 22, 2020