

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

<hr/>		)	
ELECTRONIC PRIVACY INFORMATION		)	
CENTER,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Case No. 1:11-cv-0945 (BJR)
		)	
DEPARTMENT OF HOMELAND SECURITY,		)	
		)	
Defendant.		)	
<hr/>		)	

**STIPULATION OF SETTLEMENT AND DISMISSAL WITH PREJUDICE**

Plaintiff, Electronic Privacy Information Center, and Defendant, United States Department of Homeland Security, hereby settle and compromise the above-entitled lawsuit brought under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and stipulate and agree to the following provisions:

1. Plaintiff submitted a FOIA request dated November 24, 2010, requesting information concerning use and implementation of body scanner and related technology in the surface transportation context. On May 20, 2011, Plaintiff filed this action. The issues relating to Plaintiff's FOIA request have been resolved via the Court's opinion and order of September 14, 2012, granting summary judgment in Defendant's favor. Plaintiff has filed a bill of costs, which is presently pending.

2. Defendant shall promptly pay \$15,000 (fifteen thousand dollars) in attorneys' fees and costs. Payment of this money will be made by electronic funds transfer promptly after notification of the Court's entry of this Stipulation, and counsel for Plaintiff will provide the necessary information to counsel for Defendant to effectuate the transfer.

3. This Stipulation of Settlement constitutes the full and complete satisfaction of any and all claims arising from (a) the allegations set forth in the complaint filed in this lawsuit and (b) any litigation or administrative proceedings that Plaintiff has brought, could bring, or could have brought regarding Plaintiff's FOIA request in this case.

4. This Stipulation of Settlement does not constitute an admission of liability or fault on the part of Defendant, the United States, its agents, servants, or employees, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

5. This Stipulation of Settlement is binding upon and inures to the benefit of the parties hereto and their respective successors and assigns.

6. The Court retains jurisdiction over enforcement of any of the provisions of this Stipulation of Settlement.

[remainder of page intentionally blank]

7. Execution and filing of this Stipulation of Settlement by counsel for Plaintiff and by counsel for Defendant constitutes a dismissal of this lawsuit, with prejudice, effective upon entry by the Court, pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Any and all remaining issues are waived.

Respectfully submitted,

s/  
MARC ROTENBERG  
DC Bar # 422825  
GINGER P. McCALL  
DC Bar # 100104  
Electronic Privacy Information Center  
1718 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20009  
Tel.: (202) 483-1140  
Fax: (202) 483-1248  
Email: [rotenberg@epic.org](mailto:rotenberg@epic.org)

(Counsel for Plaintiff)

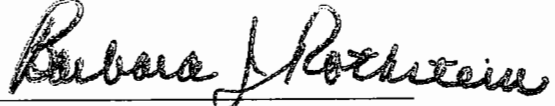
RONALD C. MACHEN JR.  
DC Bar #447889  
United States Attorney

DANIEL F. VAN HORN  
DC Bar # 924092  
Chief, Civil Division

By: s/  
JAVIER M. GUZMAN  
DC Bar # 462679  
Assistant United States Attorney  
Civil Division  
555 4th Street, N.W.  
Washington, D.C. 20530  
Tel.: (202) 616-1761  
Fax: (202) 514-8780  
Email: [Javier.Guzman2@usdoj.gov](mailto:Javier.Guzman2@usdoj.gov)

(Counsel for Defendant)

SO ORDERED this 6<sup>th</sup> day of December, 2012.

  
Barbara J. Rothstein  
United States District Judge