

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 09 2008

ELECTRONIC PRIVACY)
INFORMATION CENTER,)
)
Plaintiff,)
)
v.)
)
FEDERAL TRADE COMMISSION,)
)
Defendant.)
)

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Civ. No. 08-0448 (ESH)

VOLUNTARY STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL

In this case brought under the Freedom of Information Act, 5 U.S.C. § 552, it is hereby stipulated and agreed between plaintiff Electronic Privacy Information Center [Plaintiff] and defendant Federal Trade Commission [Defendant], collectively referred to hereinafter as "the Parties", by and through their respective attorneys, as follows:

1. The parties agree to settle and compromise this action under the terms and conditions set forth herein.

2. In consideration of Plaintiff's agreement that this action shall be dismissed with prejudice, Defendant agrees to take the following action:

(a) produce to Plaintiff eight memoranda authored by Christian S. White in response to requests seeking ethics advice, with agreed upon redactions, as produced electronically to plaintiff on June 27, 2008; and

(b) provide by July 9, 2008, an affidavit to Plaintiff stating: 1) that in response to Plaintiff's FOIA requests in this

case, defendant performed a comprehensive search; 2) that no responsive documents were found that were not exempt from mandatory disclosure under the FOIA, other than the eight memoranda produced pursuant to this stipulation of settlement, and other materials previously released to Plaintiff; and 3) that all exempt materials have been identified by category to Plaintiff and do not include any memorandum to Geoffrey Oliver regarding the Commission's consideration of Google, Inc.'s proposed acquisition of Click Holding Corp., which controlled DoubleClick, Inc., or any materials regarding participation by Jones Day or any employee or agent, or spouse of its employee in the Federal Trade Commission's investigation, review, consideration, or investigation of consumer privacy complaints or the enforcement of consumer privacy law; and

(c) pay Plaintiff the total sum of \$5,000.00 in full satisfaction of any and all claims by plaintiff for attorneys' fees and costs in connection with this case.

3. By this Stipulation, Plaintiff waives, releases, discharges, and abandons any and all claims, whether asserted or un-asserted, against Defendant in connection with its FOIA request dated December 14, 2007 and December 17, 2007.

4. The undersigned counsel represent that they are authorized to make this agreement on behalf of their clients.

5. Execution of this Stipulation of Settlement by

Plaintiff's counsel and counsel for the Defendant shall constitute a dismissal of this action with prejudice, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

6. This Stipulation shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

7. The Parties agree that a facsimile of the signatures of the parties and counsel will be the same as the original.

8. The Court shall retain jurisdiction to enforce the terms of this Stipulation and to conduct such further proceedings and award relief as may be necessary to resolve any breach of this Agreement by either of the Parties.

9. This Stipulation shall become effective upon the Court's entry of this Stipulation and at that time shall be the final expression of the Parties' voluntary, full, final, and complete settlement agreement.

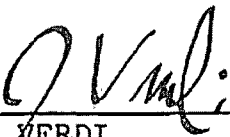
10. The Parties understand that this Stipulation contains the entire agreement between Plaintiff and Defendant; that no promise or inducement has been made except as set forth herein; and that no representations, oral or otherwise, between Plaintiff and Defendant, or their respective counsel, not included herein shall be of any force and effect.

11. This Stipulation of Settlement may not be altered, modified, withdrawn, waived, rescinded or supplemented except by


written instrument executed by duly authorized representatives of both parties.

Executed this 8th day of July, 2008.

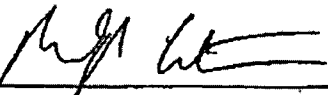
Respectfully submitted,



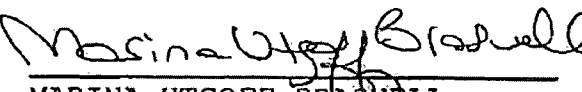
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Counsel for Plaintiff

Counsel for Defendant

Upon consideration of the foregoing settlement agreement and stipulation, EPIC v. U.S. Federal Trade Commission, Civil No. 08-0448, is hereby dismissed with prejudice on this 8 day of July, 2008.

SO ORDERED.

Ellen S Huvelle

HONORABLE ELLEN S. HUVELLE,
UNITED STATES DISTRICT JUDGE