

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

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendant.

Civ. A. No. 18-1268 (KBJ)

STIPULATION OF SETTLEMENT AND DISMISSAL

Plaintiff Electronic Privacy Information Center (“EPIC”) and Defendant Department of Homeland Security (“DHS”) (collectively, “the Parties”), by and through their respective counsel, hereby stipulate and agree as follows:

1. The Parties do hereby agree to settle and compromise the above-captioned action under the terms and conditions set forth herein.
2. Defendant represents that the Cybersecurity and Infrastructure Security Agency (“CISA”) is not using the Media Monitoring Services described in the April 2018 Statement of Work and should the Agency decide in the future to use the Media Monitoring Services or a substantially similar media monitoring tool, the proper privacy compliance documentation will be completed, as required by law and DHS policy, and published as required by law.
3. Defendant shall pay Plaintiff a lump sum of Nine Thousand Five Hundred Dollars (\$9,500) in attorneys’ fees and costs in this matter. Defendant will pay such attorneys’ fees and costs via an electronic transfer of funds to a bank account that Plaintiff will specify. Upon filing

this Stipulation of Settlement and Dismissal (“Stipulation”), the Parties will complete and transmit the documentation necessary to effectuate this payment.

4. Plaintiff agrees to forever discharge, release, and withdraw any claims of access to records or portions of records sought in this action. Defendant agrees not to seek any fees or costs from Plaintiff in connection with its response to the Freedom of Information Act (“FOIA”) request that gave rise to the Complaint in this case.

5. This Stipulation shall represent full and complete satisfaction of all claims arising 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 FOIA process, the District Court litigation process, and any other proceedings involving the claims raised in this action.

6. This Stipulation shall not constitute an admission of liability or fault on the part of Defendant or the United States or their agents, servants, or employees, and both Parties have entered into this Stipulation for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation. This Stipulation is understood not to preclude or prevent Plaintiff from seeking through FOIA, the E-Government Act, or other means records not sought in the request that gave rise to this action.

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

8. 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.

9. Execution of this Stipulation by counsel for Plaintiff and by counsel for Defendant and the filing of this Stipulation shall constitute a dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

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

11. The Parties request that the Court retain jurisdiction for the sole purpose of enforcing this Stipulation.

Dated: July 11, 2019

Respectfully Submitted,

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