

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

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NATIONAL ASSOCIATION FOR THE	)	Civil Action No. 3:17-cv-01682-WWE	
ADVANCEMENT OF COLORED PEOPLE,	)		
<i>et al.</i> ,	)		
	)		
Plaintiffs ,	)		
	)		
v.	)		
	)		
U.S. DEPARTMENT OF COMMERCE,	)		
	)		
Defendant.	)		
	)		
<hr/>	)	September 18, 2019	

**STIPULATION FOR COMPROMISE SETTLEMENT AND RELEASE OF CLAIMS  
REGARDING FEES AND COSTS**

WHEREAS, by email dated June 29, 2017, the National Association for the Advancement of Colored People (NAACP), NAACP Connecticut State Conference, and NAACP Boston Branch (collectively, “Plaintiffs”) submitted requests pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”) for various records relating to the Census Bureau’s preparations for the 2020 Census (the “First Request”);

WHEREAS, on October 5, 2017, Plaintiffs filed a complaint in the above-captioned matter against the Department of Commerce (“DOC”), of which the Census Bureau is a component, seeking the release of such records (“the Litigation”);

WHEREAS, on March 7, 2018, Plaintiffs submitted to Defendant a second FOIA request, DOC-CEN-2018-000911 (the “Second Request”);

WHEREAS, on July 26, 2018, DOC moved for summary judgment in the Litigation after Plaintiffs and DOC (collectively, “the Parties”) failed to reach an agreement during the Meet and Confer Period specified in the Court’s Scheduling Order;

WHEREAS, on September 17, 2018, Plaintiffs filed a memorandum in opposition to Defendant's motion for summary judgment and cross-moved for discovery;

WHEREAS, on October 25, 2018, Burton Reist, Census Bureau Assistant Director for Communications, Operations, and Management, was deposed in *NAACP v. Department of Commerce*, No. PWG-18-891, 2019 WL 3500934 (D. Md. Aug. 1, 2019), *appeal docketed* No. 19-1863 (4th Cir. Aug. 12, 2019), a separate matter in which the NAACP is also represented by undersigned counsel, at a deposition attended by agency counsel in this matter;

WHEREAS, on October 25, 2018, following deposition testimony by Mr. Reist and the clarification of Plaintiffs' FOIA requests as set forth in their September opposition to the motion for summary judgment, Defendant requested a conference with Plaintiffs to explore a potential settlement;

WHEREAS, on February 4, 2019, the Parties reached an agreement and filed a Joint Stipulation resolving all remaining claims in the Litigation arising from the First Request and the Second Request;

WHEREAS, on February 5, 2019, the Court approved the Joint Stipulation, ECF No. 50, and administratively closed this matter but did not enter final judgment;

WHEREAS Plaintiffs have indicated their intent to file an application for attorneys' fees and other costs incurred in connection with the Litigation pursuant to 5 U.S.C. § 552(a)(4)(E);

WHEREAS, the Parties wish to resolve their disputes concerning the anticipated fee application in the above-captioned case without further litigation;

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, as follows:

1. The Parties do hereby agree to settle and compromise each and every claim, credit, demand, and right, whether known or unknown, directly or indirectly relating to

attorneys' fees and costs incurred by Plaintiffs in the Litigation, under the terms and conditions set forth in this Stipulation for Compromise Settlement and Release of Claims (hereinafter "Stipulation"), unless specifically and expressly excluded from the terms and conditions of this Stipulation herein.

2. In consideration for the release of Plaintiffs' claims regarding attorneys' fees and costs against Defendant in the Litigation, the United States shall pay to the Peter Gruber Rule of Law Clinic, Yale Law School ("ROLC"), within sixty (60) days of the execution of this Stipulation, the sum of Eighteen-Thousand and Four-Hundred Dollars (\$18,400) via wire as designated in paragraph 3, which sum Plaintiffs and their counsel agree to accept as full settlement of any and all claims, credits, demands, rights and causes of action for attorneys' fees and costs incurred by Plaintiffs in the Litigation.

3. The Eighteen-Thousand and Four-Hundred Dollars referenced in paragraph 2 above will be made by government wire transfer to the trust account of Plaintiffs' attorney the Peter Gruber Rule of Law Clinic, Yale Law School. The settlement proceeds will be electronically transferred as follows:

<b>Financial Institution:</b>	Bank of America 100 West 33 <sup>rd</sup> Street New York, NY 10001
<b>ABA Number: (wire transfer)</b>	026009593
<b>ABA Number: (ACH)</b>	011900254
<b>Account Title:</b>	Yale University
<b>Account Number:</b>	0050296726

**Reference Information:** The sender of the funds **must** specify that the funds are for:  
LAW SCHOOL Rule of Law Clinic  
YD000002.CC1301.PG01693.PJ000001

4. Plaintiffs hereby expressly agree to accept the payment above-described in paragraph 2 in full settlement and satisfaction of any and all claims, credits, demands, rights, and causes of action relating to attorneys' fees and costs incurred in litigating the above-captioned matter, which they may now have or hereafter acquire against Defendant, its agencies, representatives, agents, servants, and employees, past or present, in their official or individual capacities, for fees and costs relating to or incurred in the Litigation.

5. The Parties agree that this Stipulation, including all the terms and conditions of this compromise settlement, may be made public in its entirety.

6. The persons signing this Stipulation warrant and represent that they possess full authority to bind the entities, agencies and organizations on whose behalf they are signing to the terms of the Stipulation.

7. This Stipulation represents the entire agreement between the Parties with regard to the matters set forth herein and no other agreements, understandings or representations, oral or otherwise, bind the Parties except as herein expressly set forth in writing and signed by all Parties.

8. This Court retains jurisdiction to enforce the provisions of this stipulation.

Respectfully submitted,

PLAINTIFFS

*/s/ Michael J. Wishnie*

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DEFENDANT

*/s/ Brenda M. Green*

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