

COURTESY COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION;
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,
:

Plaintiffs,
:

v.
:

FEDERAL BUREAU OF INVESTIGATION,
:

Defendant.
----- x

08 Civ. 3584 (VM)

ECF CASE

SDS SDNY

MENT

FILED

12-19-08

STIPULATION AND ORDER

WHEREAS, on November 29, 2007, Plaintiff submitted to the Federal Bureau of Investigation (“FBI”) a Freedom of Information Act (“FOIA”) request seeking certain records relating to the FBI’s use, implementation, and interpretation of its authority to impose non-disclosure obligations on NSL recipients since the law was amended in March 2006, as well as records relating to the FBI’s use or issuance of NSLs at the request of the Department of Defense (“DoD”) (1) for use in DoD investigations; (2) for use in joint FBI/DoD investigations; and (3) for use in non-FBI investigations (the “Request”);

WHEREAS, on April 15, 2008, the plaintiffs filed a complaint, which alleged that the FBI had failed to timely process and produce documents in response to the Request and sought to require the FBI to expedite processing of the Request and to grant a waiver or limitation of processing fees;

WHEREAS, on August 25, 2008, the parties stipulated to a schedule for processing the Request;

WHEREAS, pursuant to the stipulation, the processing of plaintiffs' FOIA request was completed and documents were released to plaintiffs by the FBI by November 21, 2008;

WHEREAS the parties wish to resolve their disputes concerning the FOIA request without further litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, as follows:

1. The parties agree to settle and compromise this action on the terms set forth below.
2. This action is hereby dismissed with prejudice, without an award of costs or fees to either party.
3. The release of the records already provided shall be in full settlement of plaintiffs' claim in this lawsuit.
4. This Stipulation and Order shall have no effect or bearing on any other FOIA request made by the plaintiffs or any other FOIA litigation filed by plaintiffs.
5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

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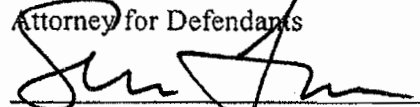
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Dated: New York, New York
December 18, 2008

United States Attorney for the
Southern District of New York
Attorney for Defendants

By:



SERRIN TURNER
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
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Dated: New York, New York
December 18, 2008

By:

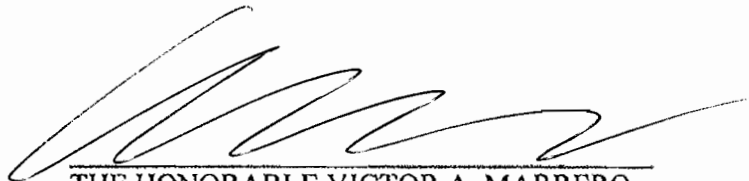


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ARTHUR N. EISENBERG (AE-2012)
New York Civil Liberties Union Foundation
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SO ORDERED.

Dated: New York, New York
December 19, 2008



THE HONORABLE VICTOR A. MARRERO
UNITED STATES DISTRICT JUDGE

SO ORDERED. The Clerk of Court is directed to withdraw
any pending motions in this action and to close this case.
SO ORDERED.
12-19-08
Date  Victor Marrero, U.S.D.J.