

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
PRISON LEGAL NEWS)	
)	
PLAINTIFF)	
)	
v.)	CIVIL ACTION No. 1:05-cv-01812
)	
THOMAS R. KANE)	
ACTING DIRECTOR)	
FEDERAL BUREAU OF PRISONS,)	
)	
DEFENDANT.)	
_____)	

STIPULATION OF SETTLEMENT AND DISMISSAL

Plaintiff, Prison Legal News (PLN) and Defendant Federal Bureau of Prisons, by and through their respective counsel, hereby stipulate and agree as follows in the above-captioned civil action brought under the Freedom of Information Act, 5 U.S.C. §552 as amended:

1. The parties do hereby agree to settle, compromise and dismiss the above-entitled action under the terms and conditions set forth herein.
2. Since Plaintiff filed Civil Action No. 05-01812, Defendant agency has produced material Responsive to the Freedom of Information Act (FOIA) request originally filed by Plaintiff; Plaintiff is satisfied with that production.
3. Defendant agency shall pay Plaintiff a lump sum of \$420,000 in attorneys' fees and costs in this matter pursuant to 5 U.S.C. §552(a)(4)(E).
4. Payment of such attorneys' fees and costs shall be made by an electronic transfer of Funds as specified in instructions provided by Defendant's counsel to Plaintiff's counsel via routine electronic correspondence. Payment shall be made as promptly as practicable, consistent

with the normal processing procedures followed by Defendant. Plaintiff shall cooperate with Defendant agency to insure that all documentation necessary to process this payment is complete and accurate.

5. Plaintiff agrees to forever discharge, release and withdraw any claims of access to records or portions of records previously made and or sought in this action.

6. This Stipulation of Settlement and Dismissal shall represent the complete satisfaction of all claims arising from (a) the allegations set forth in Civil Action No. 05-01812, and (b) any litigation or administrative proceedings that Plaintiff has brought, could bring, or could have brought regarding subject FOIA request in this action, including, but not limited to, full and complete satisfaction of all claims for costs and attorneys' fees that have been, or could be made, in this case. Specifically, this Stipulation of Settlement and Dismissal shall include all claims for attorneys' fees, expenses, and costs, including but not limited to, any incidental fees, such as bank fees, transfer fees, or the like in connection with the administrative FOIA process, the District Court and appellate litigation process, and any other proceedings involving claims raised in this action.

7. This Stipulation and Dismissal shall not constitute an admission of liability or fault on the part of the Defendant or Defendant agency or the United States or their 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 associated with further litigation.

8. Nothing in this Stipulation of Settlement and Dismissal shall constitute an admission by Defendant or the United States that Plaintiff "substantially prevailed" in this case under 5 U.S.C. §552(a)(4)(E).

9. This Stipulation of Settlement and Dismissal shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

10. The parties agree that this Stipulation of Settlement and Dismissal 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, and that the release of records or application of FOIA exemptions by Defendant previously in the administrative processing of Plaintiff's FOIA request, as well as in the instant litigation, will not be used as evidence of appropriate practice under the FOIA, 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.

11. This Stipulation of Settlement contains the complete understanding of the parties regarding the terms and conditions of the parties' Agreement. There are no other terms expressed or implied and the parties have voluntarily agreed to the terms herein. This Agreement supersedes any and all prior oral and written communications between the parties regarding settlement.

12. The parties agree that this Stipulation of Settlement shall only be modified by a written agreement executed by both parties. This Stipulation and Order, and the various terms articulated herein, shall have no effect or bearing on any other FOIA request made by Plaintiff or any other FOIA litigation filed by Plaintiff, and the disposition of this matter shall in no way control the disposition of any current or future FOIA matter involving Plaintiff and/or Defendant, including but not limited to the FOIA requests at issue in, and the case of, *Prison Legal News v. Kane*, No. 15-0823 (D.D.C.).

13. Execution of this Stipulation of Settlement and Dismissal by counsel for Plaintiff and by counsel for Defendants shall constitute a dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii); the parties agree that this court may retain jurisdiction over any controversy or claim arising out of or relating to this stipulation and order.

14. If any paragraph or portion of this Agreement is determined to be unenforceable, the remainder of the Agreement shall remain in full force and effect.

Dated: March 31, 2017

 /s/
RONALD LONDON, D.C. Bar # 456284
#415793
Davis Wright Tremaine, LLP
Attorney for Plaintiff Prison Legal News

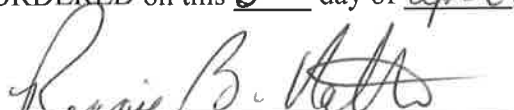
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United States Attorney for the
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 /s/ Wyneva Johnson
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Of Counsel:
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Assistant General Counsel
FOIA/PA Section
Central Office
Federal Bureau of Prisons

SO ORDERED on this 3rd day of April, 2017


UNITED STATES DISTRICT JUDGE