

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BUZZFEED, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

No. 17 Civ. 7949 (VSB)

STIPULATION AND ORDER

WHEREAS, on October 16, 2017, Plaintiff BuzzFeed, Inc. (“Plaintiff”) filed a complaint under the Freedom of Information Act (“FOIA”) against the defendant U.S. Department of Justice (the “Government,” or “DOJ,” together with Plaintiff, the “Parties”) in the United States District Court of the Southern District of New York in the above-captioned action (the “Action”), seeking to compel disclosure of certain information redacted from an Report of Investigation (the “Report”) conducted by the DOJ’s Office of Inspector General (“OIG”), including the names of a former U.S. Attorney, who was the subject of Report, and a Supervisory Assistant U.S. Attorney (the “AUSA”);

WHEREAS, OIG had redacted the information asserting exemptions under 5 U.S.C. §§ 552(b)(6) and (7)(C) (“Exemptions 6 and 7(C),” respectively);

WHEREAS, on March 21, 2018, the Government moved for summary judgment on its withholdings;

WHEREAS, on April 20, 2018, Plaintiff cross-moved for summary judgment seeking disclosure of the redacted information;

WHEREAS, on March 11, 2019, the Court issued an Opinion and Order, granting the respective Parties' motions in part and denying them in part, and ordering the Government to provide Plaintiff with a copy of the Report containing all identifying information of both the former U.S. Attorney and the AUSA;

WHEREAS, on March 11, 2019, Judgment was entered consistent with the Court's Opinion and Order (the "Judgment");

WHEREAS, on April 8, 2019, the Government moved for reconsideration and to alter or amend the Judgment pursuant to Federal Rule of Civil Procedure 59(e) and Local Civil Rule 6.3, seeking reconsideration of the March 11, 2019, Opinion and Order insofar as it requires the public disclosure of the AUSA's name, arguing that reconsideration be given to release of the AUSA's identity to prevent the manifest injustice in what would be an unwarranted invasion of her privacy;

WHEREAS, Plaintiff has elected not to oppose the Government's motion for reconsideration and to alter or amend the Judgment and withdraws its request for the AUSA's name; and

WHEREAS, the Parties seek to avoid further litigation, and to expedite the ultimate resolution of this Action;

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

1. The portions of the Court's March 11, 2019, Opinion and Order and the associated Judgment, requiring the Government to disclose the personally identifying information of both the former U.S. Attorney and AUSA, are hereby modified and amended to require only the disclosure of the former U.S. Attorney's personally identifying information, and to strike references to the AUSA;

2. The Government shall disclose the former U.S. Attorney's personal identifying information consistent with the March 11, 2019, Opinion and Order, as modified by Paragraph 1 above, within two-weeks of the endorsement and entry of this Stipulation and Order by the Court;

3. Plaintiff withdraws its claims for fees and/or costs related to this Action, including but not limited to attorney's fees under FOIA;

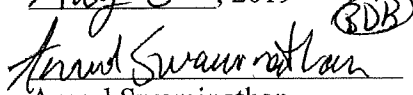
4. The Government waives its right to appeal any order or judgment in this Action;

5. If the Court does not authorize any portion of this Stipulation and Order, or otherwise does not endorse this Stipulation Order, then the entire Stipulation and Order is null and void;

6. The Parties understand and agree that this Stipulation 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; and

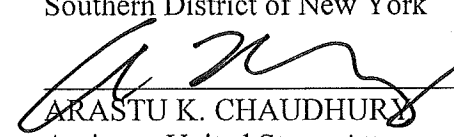
7. This Stipulation and Order may be executed in counterparts, and facsimile and pdf signatures are deemed to have the same force and effect as originals.

Dated: Chicago, IL

May 6, 2019 RDB

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Attorneys for Plaintiff


Dated: New York, New York

May 7, 2019
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Southern District of New York
BY: 
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The Clerk of Court is directed to close the open gavel at Dkt. No. 35.

SO ORDERED:


Vernon S. Broderick ^{5/8/2019}
United States District Judge