

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IMMIGRANT DEFENSE PROJECT,
HISPANIC INTEREST COALITION
OF ALABAMA, and the CENTER FOR
CONSTITUTIONAL RIGHTS,

Plaintiffs,

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT and
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

No. 14 Civ. 6117 (JPO)

STIPULATION AND PROPOSED ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS, on October 17, 2013, plaintiffs Immigrant Defense Project, Hispanic Interest Coalition of Alabama, and The Center For Constitutional Rights (“Plaintiffs”) made a request (the “Request”) pursuant to the Freedom of Information Act (“FOIA”), to United States Immigration and Customs Enforcement (“ICE”) and the United States Department of Homeland Security (“DHS,” and together with ICE, “Defendants”);

WHEREAS, the Request sought various records relating to enforcement operations conducted by ICE and/or DHS;

WHEREAS, on August 5, 2014, Plaintiff filed this action challenging Defendants’ responses to the Request;

WHEREAS, on November 19, 2014, the Court ordered DHS and ICE to begin producing a minimum number of pages each month to Plaintiffs;

WHEREAS, the parties filed cross-motions for partial summary judgment on the adequacy of the Defendants' search, and the Court initially granted the motions in part and denied them in part in an opinion dated September 23, 2016, ECF No. 49, which opinion ordered Defendants to conduct certain additional searches;

WHEREAS, the Court granted Plaintiffs' request for partial reconsideration of the summary judgment opinion in a second opinion dated May 16, 2017, ECF No. 65, and ordered the parties to "confer and agree upon additional custodians and search terms" for certain offices within ICE;

WHEREAS, by stipulation dated July 28, 2017 (the "First Stipulation"), which was so-ordered by the Court on July 31, 2017, ECF No. 74, the parties modified the original Request;

WHEREAS, by a second stipulation dated June 15, 2018 (the "Second Stipulation," and together with the First Stipulation, the "Stipulations"), which was so-ordered by the Court on June 18, 2018, ECF No. 83, the parties further modified the original Request;

WHEREAS, since the Request was made, the Defendants have conducted searches and produced responsive records consistent with their obligations under the Request, as modified by the Stipulations, and the parties agree that Defendants' search and processing obligations are now complete;

WHEREAS, the Plaintiffs contend that they are entitled to attorneys' fees under 5 U.S.C. § 552(a)(4)(E)(i);

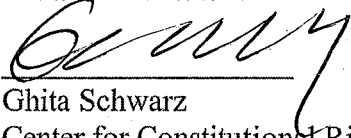
WHEREAS, the parties now wish to resolve this matter without further litigation;

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the Parties as follows:

1. The records produced by Defendants fully settle any and all claims Plaintiffs now have or may hereafter acquire against the Defendants or the United States of America (“United States”), or any department, agency, officer, or employee of Defendants and/or the United States, related to or arising out of Plaintiffs’ FOIA Request at issue in this action, including as modified by the Stipulations.
2. As soon as reasonably practicable, Defendants shall pay to Plaintiffs via electronic funds transfer to the IOLTA account of Plaintiffs’ counsel the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) in attorneys’ fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiffs agree to accept as full payment of any attorneys’ fees and costs Plaintiffs have incurred or will incur in this action for services performed up to the date of this Stipulation and Order.
3. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order.
4. 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.
5. The parties understand and agree that the parties may sign this Stipulation and Order in counterparts, each of which constitutes an original and all of which constitute one and the same Stipulation and Order. Facsimiles and/or PDFs of signatures shall have the same force and effect as original signatures and constitute acceptable, binding signatures for purposes of the Stipulation and Order.

Date: New York, New York
March ~~27~~ 2019

GHITA SCHWARZ



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The Clerk of Court is directed to close this case.
So ordered: March 28, 2019

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SO ORDERED:



J. PAUL OETKEN
United States District Judge