UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS and U.S. DEPARTMENT OF JUSTICE,

Defendants.

21 Civ. 6579 (JMF)

STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS Plaintiff the Knight First Amendment Institute at Columbia University ("Plaintiff") filed this suit in the United States District Court for the Southern District of New York pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, seeking the release of certain information by Defendants the Federal Bureau of Prisons ("BOP") and the United States Department of Justice ("DOJ") (collectively, "Defendants"), in connection with an earlier administrative request, No. 2021-05206, for the same information (the "FOIA request");

WHEREAS on October 1, 2021, the Court set a production schedule for the responsive, non-exempt records at issue in this case (Docket No. 29); and

WHEREAS BOP released to Plaintiff certain documents responsive to the FOIA request in accordance with the approved production schedule;

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

1. Plaintiff hereby releases and discharges BOP, DOJ, and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiff asserted, or could have asserted, in this litigation arising out of the FOIA request.

2. BOP shall pay to Plaintiff the sum of FIFTEEN THOUSAND FOUR HUNDRED TWENTY-TWO DOLLARS AND ZERO CENTS ($15,422.00) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept as full payment of any attorneys' fees and costs Plaintiff has 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. Nothing in this Stipulation and Order shall constitute an admission that the Defendants or the United States are liable for any attorneys' fees or litigation costs, or that Plaintiff "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or are entitled to or eligible for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning Plaintiff's claims, including claims for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by Plaintiff under FOIA.

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.

6. The parties understand and agree that this Stipulation may be signed in counterparts, each of which constitutes an original and all of which constitute one and the same

Stipulation. 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.

Dated: New York, New York
July 27, 2022

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Attorneys for Plaintiff

Dated: New York, New York
July 28, 2022

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By: _____

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SO ORDERED:

July 28, 2022

THE HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE