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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY,

Plaintiff,

-v-

CENTERS FOR DISEASE CONTROL AND PREVENTION, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants.

20 Civ. 2761 (AT)

STIPULATION OF SETTLEMENT AND DISMISSAL

WHEREAS, plaintiff 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 records by defendants Centers for Disease Control and Prevention ("CDC") and United States Department of Health and Human Services ("HHS"; together, "Defendants");

WHEREAS, following motion practice and subsequent negotiations, CDC released certain records to Plaintiff between June 9, 2020, and October 16, 2023, subject to partial redaction pursuant to FOIA Exemption 5;

WHEREAS, the Parties agree that the only remaining issue in this matter concerns Plaintiff's claim for attorneys' fees and litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E); and

WHEREAS, the Parties agree that CDC's payment to Plaintiff of the amount specified in Paragraph 1 below will upon receipt by Plaintiff fully resolve this action and warrant dismissal with prejudice;

IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

1. After the Court has approved and docketed this Stipulation and Order, Counsel for Plaintiff will provide the necessary information for CDC to effectuate payment. As soon as reasonably practicable after Plaintiff's provision of necessary information to effectuate payment, CDC shall pay to Plaintiff via electronic funds transfer the sum of ONE HUNDRED AND THIRTY FIVE THOUSAND FOUR HUNDRED DOLLARS ($135,400) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum, Plaintiff agrees, will upon receipt completely satisfy any and all claims by Plaintiff against the United States, or any department, agency, officer, or employee of CDC, HHS, and/or the United States, arising out of the FOIA request at issue in this action, including for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation.

2. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in Paragraph 1 of this Stipulation and Order, provided that the Court shall retain jurisdiction for the purpose of enforcing this Stipulation and Order.

3. This Stipulation and Order shall not constitute an admission of liability or fault on the part of CDC, HHS, 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 of further litigation.

4. The parties agree that this Stipulation and Order is non-precedential with respect to any other proceeding against CDC, HHS, the United States, or any agency or instrumentality of the United States.

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.

Dated: April 19, 2024
New York, New York

DAMIAN WILLIAMS
United States Attorney

By: _____

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Counsel for Defendants

Dated: April 19, 2024
New York, New York

By: _____

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Counsel for Plaintiff

SO ORDERED.

Dated: April 22, 2024
New York, New York

ANALISA TORRES
United States District Judge