

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF CALIFORNIA,

Plaintiff,

v.

ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

Civil Action No.: 17-1626 (JEB)

NOTICE OF SETTLEMENT AND STIPULATION OF DISMISSAL

Defendant, United States Environmental Protection Agency (“Defendant”), and Plaintiff, the State of California, (“Plaintiff”) (collectively “the Parties”), by and through their respective counsel, hereby stipulate and agree as follows:

1. The Parties do hereby agree to settle and compromise the above-entitled action under the terms and conditions set forth herein.

2. Defendant shall pay Plaintiff a lump sum of ten thousand, five hundred dollars (\$10,500.00) in attorneys’ fees and costs in this matter in complete satisfaction of any and all claims of attorneys’ fees, expenses, costs, interest, and any other sums related to this litigation.

3. Payment of such attorneys’ fees and costs will be made by an electronic transfer of funds to a bank account specified by Plaintiff. Upon filing this Notice of Settlement and Stipulation of Dismissal, the Parties will promptly cause the documentation necessary to effectuate this payment to be completed and transmitted.

4. This Notice of Settlement and Stipulation of Dismissal shall represent full and complete satisfaction of all claims arising from the allegations set forth in the Complaint filed in this action, including full and complete satisfaction of all claims for costs, attorneys’ fees, search,

review, or processing fees that have been, or could be, made in this case. In particular, this Notice of Settlement and Stipulation of Dismissal shall include all claims for attorneys' fees and costs, as well as search, review, and processing fees incurred by either Party in connection with the administrative Freedom of Information Act process, the District Court litigation process, and any other proceedings involving the claims raised in this action.

5. This Notice of Settlement and Stipulation of Dismissal shall not constitute an admission of liability or fault on the part of the Defendant 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. This Notice of Settlement and Stipulation of Dismissal is understood not to preclude or prevent Plaintiff from seeking through the Freedom of Information Act, or other means, records not sought in the Freedom of Information Act request that gave rise to this action.

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

7. The Parties agree that this Notice of Settlement and Stipulation of Dismissal will not be used as evidence or otherwise in any pending or future civil or administrative action against Defendant, the United States, or any agency or instrumentality of the United States.

8. Execution and filing of this Notice of Settlement and Stipulation of Dismissal by counsel for Plaintiff and by counsel for Defendant shall constitute a dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

9. This Notice of Settlement and Stipulation of Dismissal may be executed in counterparts as if executed by both Parties on the same document.

10. This Court may retain jurisdiction for the sole purpose of enforcing this Stipulation.

May 10, 2019

/s/ Timothy E. Sullivan
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