

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 19 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

PATRICK PAQUETTE,)
)
)
 Plaintiff,)
)
)
 v.)
)
)
 GARY LOCKE, Secretary of the United States)
 Department of Commerce, NATIONAL)
 OCEANIC AND ATMOSPHERIC)
 ADMINISTRATION, NATIONAL MARINE)
 FISHERIES SERVICE, and NORTHEAST)
 FISHERIES SCIENCE CENTER)
)
 Defendants.)

Civil Action 09-2346 (ESH)

STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL

The parties, by and through their respective counsel, hereby stipulate and agree, subject to the approval of the court, 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. The parties hereby declare that they have voluntarily entered into this Stipulation of Settlement and Order of Dismissal (“Stipulation”) in good faith, have read and fully understand the entire Stipulation, and consider it to be a fair and reasonable settlement agreement. The parties hereby declare further that the undersigned counsel are fully authorized to enter into this Stipulation on behalf of their respective clients.
3. Defendants shall pay to Plaintiff a lump sum of twelve thousand (12,000) dollars for Plaintiff’s reasonable costs and attorneys’ fees in connection with this litigation. The

Payment will be made to Plaintiff by check or electronic funds transfer within thirty (30) days after the entry of this Stipulation.

4. Plaintiff agrees to discharge, release, and withdraw its claims of access to records or portions of records arising from the requests under the Freedom of Information Act that were the subject of this suit.

5. This Stipulation 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 and attorneys fees that have been, or could be, made in this case. In particular, this Stipulation shall include all claims for attorneys' fees and costs incurred in connection with the administrative Freedom of Information Act process, the District Court litigation process, and any other proceedings involving the claims raised in these actions.

6. This Stipulation shall not constitute an admission of liability or fault on the part of the United States, its 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.

7. This Stipulation shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

8. The parties agree that this Stipulation will not be used as evidence or otherwise in any pending or future civil or administrative action against the United States, or any agency or instrumentality of the United States.

9. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), execution of this Stipulation by counsel for Plaintiff and by counsel for Defendant shall constitute a dismissal of

these actions with prejudice, effective the date the Court signs and enters this Stipulation, except that the Court retains jurisdiction over this case for the sole purpose of enforcing the terms of this Stipulation.

Dated: July 14, 2010

Respectfully submitted,

_____/s/_____

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Counsel for Plaintiff

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By: /s/_____

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Counsel for Defendant

SO ORDERED on this 19th day of July, 2010.

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UNITED STATES DISTRICT JUDGE