

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 04 2007

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

ELECTRONIC FRONTIER FOUNDATION )

Plaintiff, )

v. )

DEPARTMENT OF DEFENSE )

Defendant. )

No. 07-CV00216 (EGS)

STIPULATION OF DISMISSAL

Plaintiff Electronic Frontier Foundation (EFF) and Defendant U.S. Department of Defense, through their respective counsel, hereby stipulate and agree, subject to the approval of the court, as follows:

1. The parties hereby acknowledge that the Department of the Army responded to Plaintiff's Freedom of Information Act ("FOIA") request on April 13, 2007, by releasing to Plaintiff approximately 700 pages of responsive records. The Department of Defense responded to Plaintiff's FOIA request on May 14, 2007, by releasing approximately forty pages of responsive records. Plaintiff has received the released documents and reviewed them. Plaintiff has elected not to challenge Defendant's invocation of certain FOIA exemptions to withhold portions of the requested records.

2. 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. The parties further agree that each will pay its own fees and costs associated with this case. Plaintiff agrees to forever discharge, release, and withdraw any and all claims, demands and causes of action that it has asserted or could have asserted in the case.

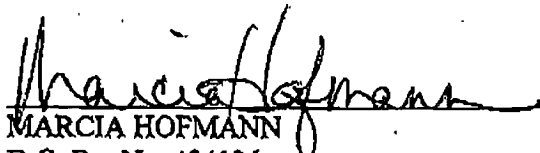
3. This Stipulation shall not constitute an admission of liability or fault on the part of the United States, its agents, servants, or employees, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

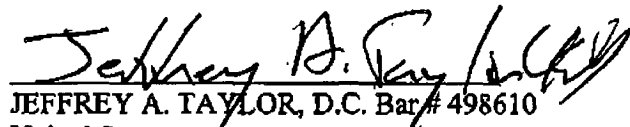
4. This Stipulation shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

5. 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.

6. Execution of this Stipulation by attorneys for Plaintiff and for Defendant, and filing of this Stipulation with the Court shall constitute a dismissal of this action with prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, except that the Court shall have jurisdiction to reinstate this action on motion of any Party to resolve a claim of noncompliance with the terms of this Stipulation.

Respectfully submitted,

  
MARCIA HOFMANN  
D.C. Bar No. 484136


  
JEFFREY A. TAYLOR, D.C. Bar # 498610  
United States Attorney

DAVID L. SOBEL  
D.C. Bar No. 360418

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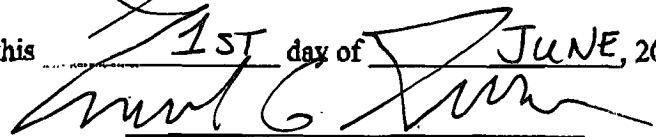
RUDOLPH CONTRERAS D.C. Bar # 434122  
Assistant United States Attorney



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(202) 353-9895  
Counsel for Defendant

APPROVED AND SO ORDERED.

On this 1<sup>ST</sup> day of JUNE, 2007.



EMMET G. SULLIVAN  
United States District Judge