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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/18/2021

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SAFE PASSAGE PROJECT,

Plaintiff,

v.

U.S. CUSTOMS AND BORDER PROTECTION
and U.S. CITIZENSHIP AND IMMIGRATION
SERVICES,

Defendants.

21 Civ. 3288 (VEC)

**STIPULATION AND
~~PROPOSED~~ ORDER OF
DISMISSAL**

WHEREAS, on or about April 15, 2021, Plaintiff Safe Passage Project filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") seeking the release of certain records by Defendants U.S. Customs and Border Protection ("CBP") and U.S. Citizenship and Immigration Services ("USCIS");

WHEREAS, CBP and USCIS released certain records to Plaintiff in response to the FOIA requests;

WHEREAS, upon review of the released records, Plaintiff agreed to dismiss the case, subject to Plaintiff's claim for attorney's fees and litigation costs;

WHEREAS, the parties wish to resolve Plaintiff's claim for attorney's fees and costs consensually without further litigation;

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

1. The documents produced by CBP and USCIS in this action fully resolve any and all claims that Plaintiff now has or may hereinafter acquire against CBP, USCIS or the United States of America (the "United States"), or any department, agency, officer, or employee of CBP, USCIS, and/or the United States, related to or arising out of the FOIA requests at issue in this

action.

2. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, USCIS and CBP shall pay to Plaintiff via electronic funds transfer the sum of seven thousand one hundred fifty dollars (\$7,150) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept in complete satisfaction of any and all claims by Plaintiff for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Counsel for Plaintiff will provide the necessary information for CBP and USCIS to effectuate payment.

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 for the purpose of enforcing this Stipulation and Order.

4. This Stipulation and Order shall not constitute an admission by CBP or USCIS that Plaintiff is entitled to any attorneys' fees or litigation costs.

5. The parties acknowledge that this Stipulation is entered solely for the purpose of settling the remaining merits claims in this action without further litigation, and it shall not be construed as evidence or as an admission regarding any issue of law or fact, or regarding the truth or validity of any allegation or claim raised in this action.

6. 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.

7. Any obligation of the Government to expend funds under this Stipulation and Order is subject to the availability of appropriations in accordance with the Anti-Deficiency Act,

31 U.S.C. § 1341. This Stipulation and Order shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act.

New York, NY
November 18, 2021

New York, NY
November 17, 2021

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District of New York


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Counsel for Plaintiff

SO ORDERED:


HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE

Application GRANTED. The Clerk of Court is respectfully directed to terminate this case.

11/18/2021