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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 THE CENTER FOR INVESTIGATIVE)
REPORTING and MOHAMED AL ELEW,)

13 Plaintiffs,)

14 v.)

15 U.S. ENVIRONMENTAL PROTECTION)
16 AGENCY,)

17 Defendant.)
18)
19)
20)

Case No. 4:21-cv-09680-HSG

JOINT STIPULATION AND DISMISSAL
OF ALL FOIA CLAIMS WITH
PREJUDICE WITH THE EXCEPTION OF
ATTORNEY’S FEES;
ORDER (as modified)

21 Pursuant to Civil Local Rule 7-12, and subject to the Court’s approval, the parties through their
22 undersigned counsel stipulate to take off calendar the Case Management Conference (CMC) currently
23 scheduled for June 14, 2022, and to dismiss all the FOIA claims with prejudice, except for the claim for
24 attorney’s fees and costs. The parties respectfully request to be provided 60-days, until August 4, 2022,
25 to negotiate the claim for attorney’s fees and costs, and to file a joint status report if the issue has not been
26 resolved by that time.

27 1. Defendant has completed producing the documents plaintiffs requested under the Freedom of
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1 Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and have resolved all the substantive FOIA issues and
2 claims. The only issue left to be decided is plaintiffs' claim for attorney's fees and costs.

3 2. Plaintiffs will submit their time records to defendant in consideration of their claim for
4 attorney's fees and costs. The parties propose that they be given 60 days, or until August 4, 2022, in
5 which to reach resolution on that issue. If resolution has been reached by that date, the parties will file a
6 stipulation of dismissal and settlement of plaintiff's claim for attorney's fees and costs. If resolution has
7 not been reached by that date, the parties will file a status report.

8 3. For these reasons, the parties respectfully request that the CMC currently scheduled for
9 June 14, 2022 be taken off calendar and that they be provided 60-days, until August 4, 2022, to negotiate
10 a settlement of plaintiffs' claim for attorney's fees.

11 Respectfully submitted,

12 STEPHANIE M. HINDS
13 United States Attorney

14 Dated: June 3, 2022

By: _____
GIOCONDA R. MOLINARI
Assistant United States Attorney

17 The Center for Investigative Reporting

18 Dated: June 3, 2022

By: _____
D. VICTORIA BARANETSKY
Attorney for Plaintiffs

20 In compliance with Civil Local Rule 5-1(i), the filer of this document attests that all signatories listed
21 have concurred in the filing of this document.

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ORDER BASED ON STIPULATION

It is Ordered that:

1. All the FOIA issues and claims, except for the claim for attorney's fees and costs, are hereby dismissed with prejudice.
2. If resolution of plaintiff's claim for attorney's fees and costs has been reached by August 4, 2022, the parties will file a stipulation of dismissal and settlement of plaintiff's claim for attorney's fees and costs. If a resolution has not been reached, the parties will file a status report by August 4, 2022.
3. The Case Management Conference (CMC) currently scheduled for June 14, 2022 is vacated.

DATED: 6/7/2022


HONORABLE HAYWOOD S. GILLIAM, JR.
United States District Judge