

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-07703-VEC**

Natural Resources Defense Council, Inc. v. U.S. Food and Drug Administration
Assigned to: Judge Valerie E. Caproni
Cause: 05:552 Freedom of Information Act

Date Filed: 09/18/2020
Date Terminated: 06/10/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Natural Resources Defense Council, Inc.

represented by **Adeline Rolnick**
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TERMINATED: 05/28/2021
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V.

Defendant

U.S. Food and Drug Administration

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Date Filed	#	Docket Text
09/18/2020	<u>1</u>	COMPLAINT against U.S. Food and Drug Administration. (Filing Fee \$ 400.00, Receipt Number ANYSDC-21731107) Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) (Entered: 09/18/2020)

09/18/2020	<u>2</u>	CIVIL COVER SHEET filed..(Rodriguez Gonzalez, Gonzalo) (Entered: 09/18/2020)
09/18/2020	<u>3</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Food and Drug Administration, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) Modified on 9/21/2020 (pc). (Entered: 09/18/2020)
09/18/2020	<u>4</u>	MOTION for Gonzalo E. Rodriguez Gonzalez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–21731214. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Affidavit Affidavit Rodriguez, # <u>2</u> Exhibit Standing Certificate Rodriguez, # <u>3</u> Text of Proposed Order Proposed Order Rodriguez).(Rodriguez Gonzalez, Gonzalo) (Entered: 09/18/2020)
09/18/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>4</u> MOTION for Gonzalo E. Rodriguez Gonzalez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–21731214. Motion and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (aea) (Entered: 09/18/2020)
09/21/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Gonzalo E Rodriguez Gonzalez. The party information for the following party/parties has been modified: Natural Resources Defense Council, Inc., U.S. Food and Drug Administration. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly;. (pc) (Entered: 09/21/2020)
09/21/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Gonzalo E Rodriguez Gonzalez to RE–FILE Document No. <u>3</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Party name on summons must exactly match;. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (pc) (Entered: 09/21/2020)
09/21/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Valerie E. Caproni. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district–judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf–related–instructions ..(pc) (Entered: 09/21/2020)
09/21/2020		Magistrate Judge Sarah L. Cave is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf . (pc) (Entered: 09/21/2020)
09/21/2020		Case Designated ECF. (pc) (Entered: 09/21/2020)
09/21/2020	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Food and Drug Administration, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) (Entered: 09/21/2020)
09/21/2020	<u>6</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>4</u> MOTION for Gonzalo E. Rodriguez Gonzalez to Appear Pro Hac Vice. (Signed by Judge Valerie E. Caproni on 9/21/2020) (jca) (Entered: 09/21/2020)
09/22/2020	<u>7</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: In light of the COVID–19 situation, the Court will conduct the Initial Pretrial Conference ("IPTC") in accordance with Rule 16 of the Federal Rules of Civil Procedure on November 6, 2020 at 11:30 a.m. by teleconference. At the scheduled time, counsel for all parties should call 888–363–4749, Access code 3121171#, Security code 7703. Counsel should submit their proposed case management plan and joint letter as outlined below. This Court encourages plaintiffs to serve defendants promptly. The parties are directed to submit a

		joint letter of no more than five pages by October 29, 2020, addressing the following in separate paragraphs: as set forth herein. Plaintiff's counsel, or the defendant's counsel in removed cases, is responsible for distributing copies of this Notice to all parties. And as set forth herein. SO ORDERED., (Telephone Conference set for 11/6/2020 at 11:30 AM before Judge Valerie E. Caproni.) Initial Conference set for 11/6/2020 at 11:30 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 9/22/2020) (ama) (Entered: 09/22/2020)
09/22/2020	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Food and Drug Administration..(dnh) (Entered: 09/22/2020)
09/28/2020	<u>9</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) (Entered: 09/28/2020)
10/05/2020	<u>10</u>	NOTICE OF APPEARANCE by Natasha Waglow Teleanu on behalf of U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 10/05/2020)
10/14/2020	<u>11</u>	MOTION for Selena Katherine Kyle to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-22132514. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit CA certificate of good standing, # <u>3</u> Exhibit IL certificate of good standing, # <u>4</u> Exhibit OH certificate of good standing, # <u>5</u> Text of Proposed Order).(Kyle, Selena) (Entered: 10/14/2020)
10/14/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>11</u> MOTION for Selena Katherine Kyle to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-22132514. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 10/14/2020)
10/15/2020	<u>12</u>	ORDER GRANTING ADMISSION PRO HAC VICE: granting <u>11</u> Motion for Selena Katherine Kyle to Appear Pro Hac Vice. (Signed by Judge Valerie E. Caproni on 10/15/2020) (ama) (Entered: 10/15/2020)
10/19/2020	<u>13</u>	AFFIDAVIT OF SERVICE. U.S. Food and Drug Administration served on 9/24/2020, answer due 11/23/2020. Service was made by Mail. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C).(Rodriguez Gonzalez, Gonzalo) (Entered: 10/19/2020)
10/28/2020	<u>14</u>	ANSWER to <u>1</u> Complaint. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 10/28/2020)
10/29/2020	<u>15</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from Plaintiff and Defendant dated 10/29/2020 re: Initial Pretrial Conference. Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) (Entered: 10/29/2020)
10/30/2020	<u>16</u>	MEMO ENDORSEMENT: on re: <u>15</u> Letter filed by Natural Resources Defense Council, Inc. ENDORSEMENT: The initial pre-trial conference currently scheduled for Friday, November 6, 2020 is hereby adjourned sine die. The parties do not have to submit a proposed case management plan. The parties must submit a joint letter, by no later than Friday, November 13, 2020, updating the Court about the status of the negotiations and whether the parties agreed to a production schedule. If the parties do agree to such a schedule, they should provide a summary of it to the Court. From December 2020 onwards, the parties must submit monthly status reports to the Court on the 15th day of each month, or on the first business day following the 15th of the month, were the 15th to fall on a weekend or holiday. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/30/2020) (ama) (Entered: 10/30/2020)
11/13/2020	<u>17</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from Natasha Teleanu and Gonzalo Rodriguez-Gonzalez dated 11/13/2020 re: status update. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 11/13/2020)
11/16/2020	<u>18</u>	MEMO ENDORSEMENT: on re: <u>17</u> Letter filed by U.S. Food and Drug Administration. ENDORSEMENT: The FDA must complete its search for potentially responsive records in response to categories 1, 3, and 5 of NRDC's FOIA request by January 15, 2021. The FDA's initial production is due no later than February 1, 2021. While the Court recognizes that the FDA has exceeded its statutory response deadline

		<p>by several months, see 5 U.S.C. § 552(a)(6)(A)(i), given the upcoming holidays and delays related to the COVID-19 pandemic, an additional two month extension is not unreasonable. The Court is unlikely to extend these deadlines further. The FDA must provide NRDC with interim Vaughn indices with each production. The Court finds that this course of action is more efficient than having the FDA produce an index at the end of document production, which would require a review of all previous productions. Additionally, Vaughn indices are not limited to the preparation of a government agency's summary judgment motion. As Judge Gardephe found: "Defendant's argument that production of a Vaughn index is premature prior to summary judgment is not persuasive. While some courts have held that the production of a Vaughn index is not required until after dispositive motions are filed, these cases state no rule and other courts have not followed this procedure. Indeed, it is well-established that against the backdrop of the antidelat policy of FOIA, district courts balance the same equities pertinent to the timing of a response to a FOIA document request in their determinations of the appropriate timing of a response to a Vaughn index request." See <i>Brennan Ctr. for Justice at NYU School of Law v. U.S. Dep't of State</i>, 300 F. Supp. 3d 540, 550 (S.D.N.Y. 2018) (internal citations and quotations omitted). The Court encourages the parties to continue to meet and confer with respect to document production in response to category 2. The Court sees no need to enter an order on this matter at this time. The parties should continue to update on this issue in the monthly reports, the first of which is due no later than Tuesday, December 15, 2020. See Dkt. 16. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/16/2020) (ama) (Entered: 11/16/2020)</p>
11/30/2020	<u>19</u>	<p>LETTER MOTION for Extension of Time to <i>File Dispositive Motion</i> addressed to Judge Valerie E. Caproni from Natural Resources Defense Council dated 11/30/2020. Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) (Entered: 11/30/2020)</p>
12/01/2020	<u>20</u>	<p>ORDER granting <u>19</u> Letter Motion for Extension of Time. Application GRANTED. Motions due by 1/15/2021. (Signed by Judge Valerie E. Caproni on 11/30/2020) (cf) (Entered: 12/01/2020)</p>
12/15/2020	<u>21</u>	<p>JOINT LETTER addressed to Judge Valerie E. Caproni from Natural Resources Defense Council dated 12/15/2020 re: Monthly Statuts Report. Document filed by Natural Resources Defense Council, Inc...(Rodriguez Gonzalez, Gonzalo) (Entered: 12/15/2020)</p>
12/16/2020	<u>22</u>	<p>MEMO ENDORSEMENT: on re: <u>21</u> Letter filed by Natural Resources Defense Council, Inc. ENDORSEMENT: Before any Motion for Summary Judgment is filed, the party interested in filing such a Motion must seek leave from the Court. The Court will then schedule a conference to discuss the proposed Motion and set a briefing schedule, if leave is granted. Plaintiff's self-imposed January 15, 2021 deadline to file such a dispositive motion is hereby canceled. SO ORDERED. (Signed by Judge Valerie E. Caproni on 12/16/2020) (ama) (Entered: 12/16/2020)</p>
01/15/2021	<u>23</u>	<p>STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 01/15/2021)</p>
02/16/2021	<u>24</u>	<p>STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 02/16/2021)</p>
02/17/2021	<u>25</u>	<p>MEMO ENDORSEMENT: on re: <u>24</u> Status Report filed by U.S. Food and Drug Administration. ENDORSEMENT: A status conference in this matter is hereby scheduled for Thursday, March 4, 2021, at 9:30 A.M. All parties and any interested members of the public must attend by dialing 1-888-363-4749, using the access code 3121171, and the security code 7703. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. Recording or rebroadcasting the proceeding is strictly prohibited by law. By no later than Friday, February 26, 2021, the parties must file a joint letter, not to exceed 5 pages, that confirms that the FDA has completed its search for responsive documents and provides a final number of such documents. In the letter, each party must propose a production schedule and processing rate for the documents and explain why their proposed schedule and rate is "practicable" pursuant to 5 U.S.C. § 552(a)(6)(E)(iii). SO ORDERED., (Status Conference set for 3/4/2021 at 09:30 AM before Judge Valerie E. Caproni.) (Signed by Judge Valerie E. Caproni on 2/17/2021) (ama)</p>

		(Entered: 02/17/2021)
02/26/2021	<u>26</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from Natasha Waglow Teleanu and Gonzalo E. Rodriguez-Gonzalez dated 2/26/2021 re: FDA's search and proposed processing rates. Document filed by U.S. Food and Drug Administration. (Attachments: # <u>1</u> Supplement Declaration of Douglas Weinfeld, # <u>2</u> Supplement Declaration of Sandra J. Cepeda).(Teleanu, Natasha) (Entered: 02/26/2021)
03/03/2021	<u>27</u>	LETTER addressed to Judge Valerie E. Caproni from Natasha W. Teleanu dated 3/3/2021 re: revised proposed processing rate. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 03/03/2021)
03/04/2021	<u>28</u>	ORDER: IT IS HEREBY ORDERED that for the reasons stated at the conference, the FDA need only produce a Vaughn index every second production. IT IS FURTHER ORDERED that by no later than Friday, March 12, 2021, the FDA must propose a reasonable production processing rate. If the types of documents to be disclosed present unique complexities that the FDA believes warrant a processing rate that is slower than what would otherwise seem reasonable, the FDA must include a description of the types of documents at issue and an explanation why such documents require more time to review and process than the norm for review and production of documents in response to FOIA requests for CVM documents. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/04/2021) (ama) (Entered: 03/04/2021)
03/04/2021		Minute Entry for proceedings held before Judge Valerie E. Caproni: Telephone Conference held on 3/4/2021. Attorney Gonzalo Rodriguez present for the plaintiff. Attorney Natasha Teleanu present for the defendants. Court Reporter Andrew Walker present. (anc) (Entered: 03/04/2021)
03/12/2021	<u>29</u>	LETTER addressed to Judge Valerie E. Caproni from Natasha W. Teleanu dated 3/12/2021 re: proposal regarding processing. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 03/12/2021)
03/12/2021	<u>30</u>	MEMO ENDORSEMENT on re: <u>29</u> Letter filed by U.S. Food and Drug Administration. ENDORSEMENT: Application GRANTED. The Court approves a processing rate of 3,500 pages per production cycle, beginning with the April 26, 2021 production. The Court also approves the FDA's request to modify the Court's order with respect to periodic joint status updates. Such updates are now due the Friday following each production deadline, with the first such joint status report due no later than Friday, April 30, 2021. So Ordered. (Signed by Judge Valerie E. Caproni on 3/12/2021) (js) (Entered: 03/15/2021)
04/30/2021	<u>31</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 04/30/2021)
05/17/2021	<u>32</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – NOTICE OF APPEARANCE by Adeline Rolnick on behalf of Natural Resources Defense Council, Inc...(Rolnick, Adeline) Modified on 5/17/2021 (Idi). (Entered: 05/17/2021)
05/17/2021	<u>33</u>	NOTICE OF APPEARANCE by Adeline Rolnick on behalf of Natural Resources Defense Council, Inc...(Rolnick, Adeline) (Entered: 05/17/2021)
05/27/2021	<u>34</u>	MOTION for Gonzalo E. Rodriguez Gonzalez to Withdraw as Attorney . Document filed by Natural Resources Defense Council, Inc...(Rodriguez, Gonzalo) (Entered: 05/27/2021)
05/27/2021	<u>35</u>	DECLARATION of Gonzalo E. Rodriguez Gonzalez in Support re: <u>34</u> MOTION for Gonzalo E. Rodriguez Gonzalez to Withdraw as Attorney .. Document filed by Natural Resources Defense Council, Inc...(Rodriguez, Gonzalo) (Entered: 05/27/2021)
05/27/2021	<u>36</u>	CERTIFICATE OF SERVICE of Notice of Motion to Withdraw as Counsel served on Natural Resources Defense Council on 05/27/2021. Document filed by Natural Resources Defense Council, Inc...(Rodriguez, Gonzalo) (Entered: 05/27/2021)
05/28/2021	<u>37</u>	MEMO ENDORSEMENT on NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL: granting <u>34</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is respectfully directed to terminate Gonzalo E. Rodriguez as counsel for Plaintiff. The Clerk is further directed to close the open motion at docket entry 34. SO ORDERED. Attorney

		Gonzalo E Rodriguez terminated. (Signed by Judge Valerie E. Caproni on 5/28/2021) (ama) (Entered: 05/28/2021)
06/11/2021	<u>38</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 06/11/2021)
07/22/2021	<u>39</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 07/22/2021)
09/03/2021	<u>40</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 09/03/2021)
10/15/2021	<u>41</u>	STATUS REPORT. <i>and request for nunc pro tunc modification to the processing rate</i> Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 10/15/2021)
10/15/2021	<u>42</u>	MEMO ENDORSEMENT on re: <u>41</u> Status Report filed by U.S. Food and Drug Administration. ENDORSEMENT: The FDA's request for a nunc pro tunc downward modification for its seventh production is GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/15/2021) (tg) (Entered: 10/18/2021)
11/23/2021	<u>43</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 11/23/2021)
01/07/2022	<u>44</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 01/07/2022)
02/17/2022	<u>45</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 02/17/2022)
02/18/2022	<u>46</u>	MEMO ENDORSEMENT on re: <u>45</u> Status Report filed by U.S. Food and Drug Administration. ENDORSEMENT: Application GRANTED. The next status update is due no later than Friday, April 1, 2022. The Court reminds the parties that before any Motion for Summary Judgment is filed, the party interested in filing such a Motion must seek leave from the Court. The Court will then schedule a conference to discuss the proposed Motion and set a briefing schedule, if leave is granted. See Endorsement, Dkt. 22. (Signed by Judge Valerie E. Caproni on 2/18/2022) (ate) (Entered: 02/18/2022)
03/30/2022	<u>47</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 03/30/2022)
03/31/2022	<u>48</u>	MEMO ENDORSEMENT on re: <u>47</u> Status Report filed by U.S. Food and Drug Administration. ENDORSEMENT: Application GRANTED. The next status update is due no later than Friday, May 13, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/31/2022) (tg) (Entered: 03/31/2022)
04/19/2022		***DELETED DOCUMENT. Deleted document number <u>49</u> Transcript. The document was incorrectly filed in this case. (js) (Entered: 04/20/2022)
04/19/2022		***DELETED DOCUMENT. Deleted document number <u>50</u> Notice of Filing of Transcript. The document was incorrectly filed in this case. (js) (Entered: 04/20/2022)
05/12/2022	<u>49</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 05/12/2022)
05/13/2022	<u>50</u>	MEMO ENDORSEMENT on re: <u>49</u> Status Report filed by U.S. Food and Drug Administration. ENDORSEMENT: Application GRANTED. The next joint status update is due no later than June 13, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/13/2022) (tg) (Entered: 05/13/2022)
06/10/2022	<u>51</u>	STATUS REPORT. Document filed by U.S. Food and Drug Administration. (Attachments: # <u>1</u> Text of Proposed Order Stipulation and Proposed Order of Settlement and Dismissal).(Teleanu, Natasha) (Entered: 06/10/2022)
06/10/2022	<u>52</u>	PROPOSED STIPULATION AND ORDER. Document filed by U.S. Food and Drug Administration..(Teleanu, Natasha) (Entered: 06/10/2022)

06/10/2022	<u>53</u>	<p>STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows: 1. The Document Productions made by Defendant in this action fully resolve any and all claims that Plaintiff now has or may hereinafter acquire against Defendant or the United States of America (the "United States"), or any department, agency, officer, or employee of Defendant and/or the United States, for the release of the records arising from Plaintiff's FOIA Request at issue in this action. 2. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, Defendant shall pay to Plaintiff via electronic funds transfer the sum of NINETEEN THOUSAND DOLLARS AND ZERO CENTS (\$19,000.00) 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 Defendant to effectuate the electronic funds transfer. 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. As further set forth by this Order. This case is hereby dismissed with prejudice. The Clerk of Court is respectfully directed to terminate all open motions and to close this case. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/10/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 06/13/2022)</p>
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