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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
10	CENTER FOR ENVIRONMENTAL SCIENCE,)	Case No. 1:15-cv-01862 SAB	
11	ACCURACY & RELIABILITY, a California) public interest organization,	STIPULATION OF SETTLEMENT	
12	Plaintiff,	AND DISMISSAL; ORDER	
13	v.)		
14	SALLY JEWELL, Secretary, U.S. Department)		
15 16	of the Interior, in her official capacity, DAN) ASHE, Director, U.S. Fish and Wildlife Service,) in his official capacity; and UNITED STATES) FISH AND WILDLIFE SERVICE,		
17	Defendants.		
18	Plaintiff Center for Environmental Science	, Accuracy & Reliability ("Plaintiff") and Defendant	
19	United States Fish and Wildlife Service, a component bureau of the United States Department of the		
20	Interior ("Defendant" or "FWS"), by and through their respective counsel, hereby stipulate and agree as		
21	follows:		
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23	///		
24			
25		n Ashe because they are individuals, not agencies. <i>Obama</i> , 664 F.3d 774, 785–86 (9th Cir. 2011) (A	
26	FOIA plaintiff may not assert a claim again	nst an individual federal official; the proper	
27 28	2014) (dismissing the federal employee sue	nan, 2014 WL 953500. at *5 (N.D. Cal. Mar. 6, ed in an official capacity and finding the agency mplaint). To the extent these individuals are dice.	

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- 1. Plaintiff agrees to dismiss this action with prejudice;
- 2. Defendant shall pay \$3,500.00 in attorneys' fees and costs to Plaintiff. Payment of this money will be made by check or electronic funds transfer promptly after filing the fully executed copy of this Stipulation and after receipt of necessary information from counsel for Plaintiff in order to effectuate the payment.
- 3. This Stipulation of Settlement and Dismissal constitutes the full and complete satisfaction of any and all claims arising from (a) the allegations set forth in the complaint filed in this lawsuit and (b) any litigation or administrative proceeding that Plaintiff has brought, could bring, or could have brought regarding Plaintiff's FOIA request in this case, including all claims for attorneys' fees and costs.
- 4. This Stipulation of Settlement and Dismissal does not constitute an admission of liability or fault on the part of Defendant, 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.
- 5. This Stipulation of Settlement and Dismissal is binding upon and inures to the benefit of the parties hereto and their respective successors and assigns.
- 6. Execution and filing of this Stipulation of Settlement and Dismissal by counsel for Plaintiff and by counsel for Defendant constitutes a dismissal of this lawsuit, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii). Any and all remaining issues related to the FOIA request described in the complaint are waived.
- 7. The persons signing this Stipulation of Settlement and Dismissal warrant and represent that they possess full authority to bind the party on whose behalf they are signing to the terms of the Stipulation.

1	8. This Stipulation of Settlement and Dismissal may be executed in two or more	
2	counterparts, each of which shall be deemed to be an original and all of which together shall be deemed	
3	to be one and the same document. A facsimile or other duplicate of a signature shall have the same	
4	effect as a manually-executed original.	
5		Respectfully submitted,
6	Dated: March 4, 2016	BENJAMIN B. WAGNER UNITED STATES ATTORNEY
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8		/s/Jeffrey J. Lodge JEFFREY J. LODGE
9		Assistant United States Attorney Attorney for the United States
10		(As authorized 03/04/16)
11	Dated: March 4, 2016	/s/Leah R. Zabel LEAH R. ZABEL
12		Attorney for Plaintiff
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17	PREJUDICE.	
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	Dated: <u>March 11, 2016</u>	SENIOR DISTRICT JUDGE
21	Dated. Water 11, 2010	SENIOR DISTRICT JUDGE
22	Dated	SENIOR DISTRICT JUDGE
	DatedWater 11, 2010	SENIOR DISTRICT JUDGE
22	Dated. March 11, 2010	SENIOR DISTRICT JUDGE
22 23	Dated. March 11, 2010	SENIOR DISTRICT JUDGE