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AMERICAN CIVIL LIBERTIES UNION OF
NORTHERN CALIFORNIA and
SAN FRANCISCO BAY GUARDIAN

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA; SAN FRANCISCO BAY GUARDIAN, Plaintiffs, v. DRUG ENFORCEMENT ADMINISTRATION, Defendant.	CASE NO.: C 11-01997 RS **JOINT STIPULATION AND [~~PROPOSED~~] ORDER DISMISSING PLAINTIFFS' CLAIMS**

STIPULATION

WHEREAS, Plaintiffs brought this action under the Freedom of Information Act (FOIA), 5 U.S.C. §552(a)(4)(B) and 28 U.S.C. §1331. (Doc. 1).

WHEREAS, on October 28, 2012, the Court granted in part, denied in part the parties' cross-motions for summary judgment. (Doc. 48).

WHEREAS, pursuant to its summary judgment order, the Court directed Defendant to conduct additional searches, release certain information it had withheld, supplement its search description, and supplement its *Vaughn* index in various respects.

WHEREAS, Defendant provided a status report describing its compliance with the Court's order on December 30, 2011. (Doc. 52).

WHEREAS, thereafter the parties met and conferred and agreed there were no further issues in dispute with respect to Defendant's production of documents under FOIA.

WHEREAS, this Court entered a case management order giving the parties an opportunity to meet and confer on attorneys' fees and costs under 5 U.S.C. §552(a)(4)(E), and requiring the parties to file a stipulation of dismissal on or before April 26, 2012, or appear before this Court on that date to explain why the case should not be dismissed. (Doc. 54).

WHEREAS, the parties have met and conferred on attorneys' fees and costs under 5 U.S.C. §552(a)(4)(E) and have been unable to arrive at a resolution of the matter.

WHEREAS, Plaintiffs will seek attorneys' fees and costs under 5 U.S.C. §552(a)(4)(E).

WHEREAS, the parties do not intend this stipulation and [proposed] order of dismissal to affect the analysis of whether Plaintiffs have "substantially prevailed" within the meaning of 5 U.S.C. §552(a)(4)(E).

THEREFORE, the parties through their respective counsel of record jointly request that Plaintiffs' claims be dismissed with prejudice pursuant to Fed. R. Civ. P.

51(a)(1)(A)(ii), so that Plaintiffs may file a motion for attorneys' fees and other litigation costs pursuant to 5 U.S.C. §552(a)(4)(E) and Local Rule 54-5.

SO STIPULATED.

Dated: April 25, 2012

By: /s/
Linda Lye

Michael T. Risher
Linda Lye
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA

Attorneys for Plaintiffs

Dated: April 25, 2012

By: /s/
Ila Deiss

Melinda Haag
UNITED STATES ATTORNEY
Joann M. Swanson
ASSISTANT UNITED STATES ATTORNEY
Ila Deiss
ASSISTANT UNITED STATES ATTORNEY

Attorneys for Defendant

[~~PROPOSED~~] ORDER

PURSUANT TO STIPULATION, Plaintiffs' claims are dismissed with prejudice. Plaintiffs may bring a motion for attorneys' fees and other litigation costs pursuant to 5 U.S.C. §552(a)(4)(E) and Local Rule 54-5.

Dated: 4/26/12

RICHARD SEEBORG
United States District Judge