

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FRIENDS OF THE EARTH, THE CENTER  
FOR INTERNATIONAL ENVIRONMENTAL  
LAW, and CORPORATE ETHICS  
INTERNATIONAL

Civ. No. C11-02419 EDL

Plaintiffs,

STIPULATED SETTLEMENT AGREEMENT  
FOR ATTORNEYS' FEES AND COSTS  
AND ORDER

v.

UNITED STATES DEPARTMENT OF STATE  
and HILLARY CLINTON, in her official  
capacity as Secretary of State,

Defendants.

Plaintiffs Friends of the Earth, the Center for International Environmental Law, and Corporate Ethics International ("Plaintiffs"), and Defendants United States Department of State and Hillary Clinton in her official capacity as Secretary of State ("Defendants"), through their undersigned counsel, hereby enter into this Settlement for Attorneys' Fees and Costs for the sole purpose of satisfying Plaintiffs' attorneys' fees, expenses, and costs generated in connection with the above-referenced litigation.

The parties agree as follows:

1. Defendants will pay Plaintiffs the amount of \$31,000 in full and final satisfaction for any and all attorneys' fees, expenses, and costs associated with this litigation. This figure is inclusive of any interest. Defendants shall make payment to Plaintiffs within forty-five days of the effective date of this Settlement Agreement, as follows: a payment of \$31,000 will be made by Defendants using an electronic fund transfer into the Earthjustice Attorney Client Trust Account Fund, Mechanics Bank, 725 Alfred Nobel Drive, Hercules, CA 94547. Plaintiffs' counsel shall provide the appropriate account and bank routing numbers to counsel for the Defendants.

2. By entering into this Settlement Agreement, Plaintiffs do hereby release Defendants and their successors, the United States of America, and any department, agency, or establishment of

1 the United States, and any officers, employees, agents, successors, or assigns of such department,  
2 agency, or establishment, from any claims raised by Plaintiffs in this lawsuit and any past, present,  
3 or future claims for attorneys' fees, expenses, or costs in connection with this litigation.

4 3. Upon entering into this Settlement Agreement, the parties will provide notice to the  
5 Court of this settlement agreement having been executed and Plaintiffs' release of any claim for fees,  
6 expenses, and costs associated with this litigation, so that jurisdiction over this matter by the United  
7 States District Court shall be discharged.

8 4. In entering into this Settlement Agreement, no party is making an admission of  
9 liability or fault to any other party, and this Settlement Agreement shall not be construed as an  
10 admission by any party of liability or fault as to any allegation or claim asserted in this litigation.  
11 This Settlement of Attorneys' Fees and Costs will not be used in any manner to establish liability for  
12 fees, amounts, or hourly rates, in any other case or proceeding.

13 5. No provision of this Settlement Agreement can be waived, modified or amended  
14 except in a writing that expressly references this Settlement Agreement and is signed by an  
15 authorized representative of each party. A facsimile or other copy of a signature will be deemed an  
16 original signature.

17 6. This Settlement Agreement may be executed in counterparts, and is effective on the  
18 date by which it is signed by the representatives of all the parties. The below-signed counsel are  
19 authorized to enter into this Settlement Agreement on behalf of their respective clients.

20  
21 DATED: June 20, 2012

SARAH H. BURT

22 By:   
23 ABBY L. RUBINSON

24 Earthjustice  
25 50 California Street, 5<sup>th</sup> Floor  
26 San Francisco, CA 94111

27 Attorneys for Plaintiffs  
28

1 DATED: June 20, 2012

TONY WEST  
Assistant Attorney General

JOHN R. TYLER  
Assistant Branch Director

5 By: Patrick G. Nemeroff  
Patrick G. Nemeroff

7 Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch

9 Attorneys for Defendants

11 ~~Proposed~~ ORDER GRANTING STIPULATED SETTLEMENT AGREEMENT FOR  
ATTORNEYS' FEES AND COSTS

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 Dated: June 26, 2012

