

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL CONSUMER LAW CENTER,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
EDUCATION,

Defendant.

Civil Action No. 18-10763-IT

STIPULATION AND ~~PROPOSED~~ ORDER

Plaintiff National Consumer Law Center and defendant United States Department of Education (ED) previously explained to the Court that the issues in this case had been narrowed to ED's withholding of three categories of information from a document identified as a "Borrower Defense Protocol." March 29, 2019 Joint Status Report ¶ 5 (Doc. 28). On May 2, 2019, ED produced in full one category of information at issue. On July 12, 2019, following the filing of cross-motions for summary judgment, ED produced in full the remaining two categories of information. Accordingly, the parties have now resolved the case, including an agreement with regard to payment of attorneys' fees and costs. The parties agree and stipulate as follows:

1. This Stipulation and Order shall constitute dismissal of this action. The dismissal shall be effective upon the Court's signing and entry of this Stipulation and Order on the docket as an order of the Court.

2. ED shall pay to counsel for plaintiff, Public Citizen Litigation Group, a lump sum of \$30,000. The parties agree that payment of this sum shall constitute full and final settlement of all claims by plaintiff for fees, costs, and expenses against ED in this action.

3. The Court retains jurisdiction to enforce the provisions of this Stipulation and Order.

Dated: September 26, 2019

Respectfully submitted,

FOR THE PLAINTIFF:

FOR THE DEFENDANT:

/s/ Patrick D. Llewellyn  
Patrick D. Llewellyn\*  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009  
(202) 588-1000  
pllewellyn@citizen.org

ANDREW E. LELLING  
United States Attorney

Persis Yu (BBO No. 685951)  
Stuart Rossman (BBO No. 430640)  
National Consumer Law Center  
7 Winthrop Square, 4th Floor  
Boston, MA 02110-1245  
(617) 542-8010  
pyu@nclc.org

By: /s/ Susan M. Poswistilo  
Susan M. Poswistilo (BBO #565581)  
Assistant U.S. Attorney  
U.S. Attorney's Office  
John J. Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3103  
susan.poswistilo@usdoj.gov

\*Admitted pro hac vice

SO ORDERED, this 27 day of September, 2019.

  
UNITED STATES DISTRICT JUDGE