

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASSOCIATED PRESS,

Plaintiff,

- against -

DEPARTMENT OF DEFENSE,

Defendant.

----- x

: ECF CASE

: 06 Civ. 1939 (JSR)

: STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL

WHEREAS, plaintiff Associated Press ("AP") filed the complaint in this action in the United States District Court for the Southern District of New York ("District Court") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, seeking the release of certain information by defendant the United States Department of Defense ("DOD"); and

WHEREAS, DOD subsequently released certain information responsive to AP's FOIA request, but withheld other information, including photographs ("Photographs") and height and weight information ("Height and Weight Information") of persons detained by DOD at the U.S.

Naval Station, Guantanamo Bay, Cuba ("Guantanamo"); and

WHEREAS, DOD subsequently filed a motion for summary judgment with regard to its withholding under FOIA of the Photographs and the Height and Weight Information; and

WHEREAS, the District Court issued an Opinion and Order, dated November 27, 2006 (the "Opinion and Order"), granting DOD's motion for summary judgment as to the Photographs, denying DOD's motion for summary judgment as to the Height and Weight Information, and ordering DOD to release the Height and Weight Information to AP; and

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WHEREAS, neither party filed an appeal of the district court's rulings; and

WHEREAS, on March 16, 2007, DOD released the Height and Weight Information to AP,

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective counsel, as follows:

1. The United States shall pay to the "Associated Press" the sum of \$20,000.00 in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum AP and its counsel, Levine Sullivan Koch & Schulz, LLP, agree to accept as full payment of any attorneys' fees and costs AP has incurred or will incur in this action for services performed up to the date of this stipulation and order.

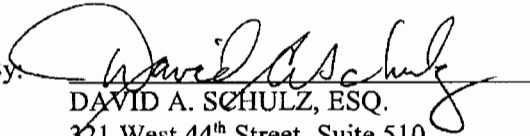
2. Nothing in this stipulation and order shall constitute an admission on the part of DOD and/or the United States that DOD's initial decision not to release the Height and Weight Information lacked a reasonable basis.

3. This action is hereby dismissed with prejudice, provided that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order.

4. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

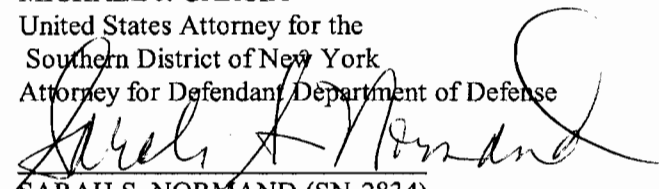
DATED: New York, New York
April 20 2007

LEVINE SULLIVAN KOCH & SCHULZ, LLP

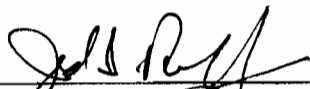
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DATED: New York, New York
April __, 2007

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Attorney for Defendant Department of Defense

By: 
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SO ORDERED:


HON. JED S. RAKOFF
United States District Judge

4-23-07