

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x  
THE NEW YORK TIMES COMPANY and  
RON NIXON,

Plaintiffs,

- against -

UNITED STATES DEPARTMENT OF  
TREASURY,

Defendant.

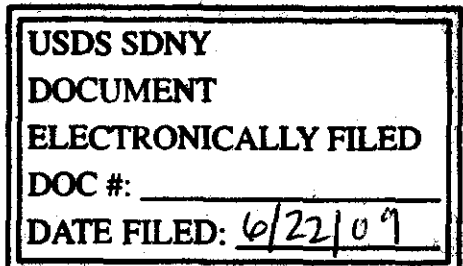
----- x

WHEREAS, Plaintiffs the New York Times Company and Ron Nixon (the "Times") filed this suit in the United States District Court for the Southern District of New York pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, seeking the release by Defendant United States Department of Treasury ("Treasury") of the database of individuals and companies with licenses issued by Treasury's Office of Foreign Assets Control (the "OFAC License Database"); and

WHEREAS, Treasury has already produced the OFAC License Database in redacted form;

THEREFORE, the parties stipulate and agree and the Court orders that:

1. This matter is dismissed with prejudice, subject only to paragraph 8, below.
2. Within 30 days of the date of this Order, the Times may provide to Treasury a list identifying not more than 100 rows of the OFAC License Database, which correspond to 100 distinct OFAC licenses (the "List"). Within 30 days of receiving the List, OFAC shall confer with



**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISMISSAL**

ECF Case

No. 08 Civ. 8341 (PGG)

the Times to identify whether any of the identified licenses correspond to renewals of other licenses on the List, or are otherwise redundant of licenses designated by the Times. Thereafter, the Times may provide Treasury a revised list of 100 OFAC licenses (the "Final List").

3. The Times irrevocably waives its right to seek any information in the OFAC License Database with respect to any licenses not identified on the Final List, *provided, however*, that the Times shall be permitted, within 30 days of the date of this Order, to file an administrative appeal to OFAC challenging solely OFAC's redaction of the names of individuals (as opposed to corporate entities) in the "LICENSEE," "CASE\_LICENSEE," "CASE\_LICENSEE\_NAME," "OTHER\_LICENSEES," and "REC\_LICENSEE\_NAME" fields in the OFAC License Database. Treasury shall not assert, in response to such appeal, that the Times's appeal is untimely or that the Times has waived any challenge to the redaction of individual names in those five fields of the OFAC License Database.
4. Nothing in this Stipulation and Order shall limit the Times' right to submit additional FOIA requests to Treasury for the underlying files concerning any OFAC licenses ("OFAC License Files"), which FOIA requests will be processed in the ordinary course of Treasury's business.
5. With respect to the OFAC licenses identified on the Final List,

Treasury shall process and, to the extent appropriate, produce both the relevant fields in the OFAC License Database and the underlying OFAC License Files, as follows:

- a. For OFAC licenses on the Final List for which Treasury is not required by its regulations to provide notice to the licensee before making any disclosure (a “Notice”), Treasury shall produce the relevant OFAC License File and the relevant portions of the OFAC License Database within 30 days of receiving the Final List.
- b. For OFAC Licenses on the Final List for which Treasury is required to give Notice, Treasury shall send out such Notice within 30 days of receiving the Final List.
- c. In those cases in which Treasury is required to give and does give Notice, and in which Treasury receives no response, Treasury shall produce the relevant OFAC License File and the relevant portions of the OFAC License Database within 30 days of the expiration of the licensee’s 10-day period to respond to such Notice.
- d. In those cases in which Treasury is required to give and does give Notice, and the licensee does respond — either substantively or by requesting additional time to provide a substantive response — Treasury shall respond to the Times’

request on an expedited basis, and as soon as is practicable.

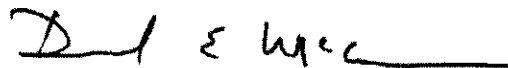
- e. Nothing in this Stipulation and Order shall prohibit Treasury from withholding or redacting information in the OFAC License Database or any OFAC License File that is properly subject to exemption under FOIA. Likewise, nothing in this Stipulation and Order shall be construed to relieve the Times of its obligations under FOIA to administratively exhaust any challenge to any such withholdings, redactions, or claims of exemption.
6. Treasury shall pay to the Times the sum of \$3,000 in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum the Times agrees to accept as full payment of any attorneys' fees and costs the Times has incurred or will incur in this action. Upon payment, the Times releases Treasury and the United States of America from any claims regarding such fees and costs.
7. This Stipulation and Order is subject to the approval of the Court. In the event that the Court declines to enter it, the Stipulation and Order shall be null and void, with no force or effect.
8. 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.

9. The Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order, *provided, however*, that the Court shall not have jurisdiction over any "reverse FOIA" suit filed by any OFAC licensee.

AGREED TO BY:

Dated: New York, New York  
June 16, 2009



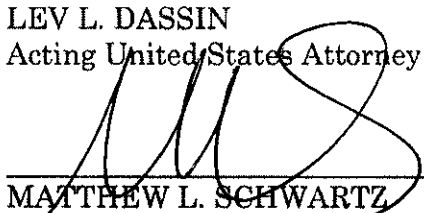
---

DAVID E. McCRAW, ESQ.  
The New York Times Company Legal  
Department  
620 Eighth Avenue  
New York, New York 10018  
Telephone: (212) 556-4031  
Facsimile: (212) 556-1009  
E-mail: mccraw@nytimes.com

Dated: New York, New York  
June 17, 2009

LEV L. DASSIN  
Acting United States Attorney

By:

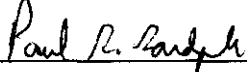


---

MATTHEW L. SCHWARTZ  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Telephone: (212) 637-1945  
Facsimile: (212) 637-2750  
E-mail: matthew.schwartz@usdoj.gov

SO ORDERED:

Dated: New York, New York  
June 22, 2009

  
\_\_\_\_\_  
HON. PAUL G. GARDEPHE  
UNITED STATES DISTRICT JUDGE