

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED FARM WORKERS,
)
)
 and)
)
 FARMWORKER JUSTICE,)
)
 Plaintiffs,)
)
 v.)
)
 UNITED STATES DEPARTMENT)
 OF LABOR,)
)
 Defendant.)
)
)

Civil Action No.: 07-2241 (HHK)

STIPULATION OF SETTLEMENT AND VOLUNTARY DISMISSAL

Plaintiffs, United Farm Workers and Farmworker Justice (“Plaintiffs”), and Defendant, the United States Department of Labor (the “Defendant” or “DOL”), by their undersigned counsel, in the interests of avoiding further litigation, and in order to settle Plaintiffs’ claims in this Freedom of Information Act (“FOIA”) request action, hereby stipulate and agree as follows:

- 1.) Defendant shall pay counsel for Plaintiffs the sum of sixty thousand dollars (\$60,000.00), for attorney fees, costs, and expenses. Plaintiffs agree that payment of this sum shall constitute full and final settlement and satisfaction of all claims by Plaintiffs for fees, costs and expenses of every kind in this action, including those that have already been incurred or expended and any which may in the future be incurred or expended in this action, except to the extent that further proceedings are necessary to resolve a claim of non-compliance with the terms of this Stipulation.

2.) The Defendant's procedures for making this payment to Plaintiffs' counsel shall be initiated within ten days after receipt of the Settlement Agreement signed by the Court, and shall be accomplished by submitting the necessary documentation and request to the Defendant's relevant components within that time period.

3.) Plaintiffs and Defendant acknowledge and agree that neither by entering into this Stipulation of Settlement or any action taken pursuant or related hereto, nor the Stipulation itself or any of its terms, shall constitute an admission by Plaintiffs or Defendant as to the merits of any issue of law or fact raised by the parties in this matter.

4.) All matters raised in this action are hereby dismissed with prejudice, except that the Court shall have jurisdiction to resolve a claim of non-compliance with the terms of this Stipulation.

5.) By this Stipulation, Plaintiffs waive, release and abandon any and all claims, whether asserted or not asserted, against the Defendant, the United States Department of Labor, and/or its agents, servants or employees, past or present, that arose from any of the seven FOIA requests that formed the basis of Plaintiff's complaint, up to and including the date of this Stipulation. This Stipulation includes all of Plaintiffs' claims for attorney's fees and costs incurred in connection with any administrative filings and processes, as well as the district court litigation.

6.) The Parties agree that a facsimile of the signatures of the parties and counsel will be deemed to be the same as the original.

7.) Undersigned counsel represent that they are authorized by their respective clients to sign this Stipulation of Settlement and Voluntary Dismissal.

8.) Each of the respective rights and obligations of the parties contained in this Stipulation shall be deemed independent and may be enforced independently irrespective of any other rights and obligations set forth herein.

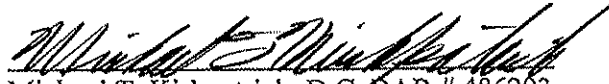
9.) The parties understand that this Stipulation contains the entire agreement between Plaintiffs and Defendant; that no promise or inducement has been made except as set forth herein; and that no representations, oral or otherwise, between Plaintiffs and Defendant, or their respective counsel, not included herein shall be of any force and effect.

10.) The parties agree that this Stipulation will not be used as evidence or otherwise in any pending or future civil or administrative action against the United States government, except in an action alleging breach of this Agreement.

11.) This Settlement Agreement shall become effective upon the Court's entry of this Agreement and at that time shall be the final expression of the parties' full, final, and complete Settlement Agreement.

12.) Execution of this Stipulation of Settlement by Plaintiffs' counsel and counsel for the Defendant shall constitute a dismissal of this action with prejudice, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.


Respectfully submitted,


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Counsel for Defendant

SO ORDERED this _____ day of _____ 2008.

HENRY H. KENNEDY
United States District Judge