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20 DENNIS JOSEPH RAIMONDO and
ERIC ANTHONY GARRIS

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION
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28 STIPULATION RE SETTLEMENT AND DISMISSAL WITH PREJUDICE OF FOIA CLAIMS
WITH THE EXCEPTION OF ATTORNEY'S FEES; PROPOSED ORDER
CASE NO. 13-2295 JSC

1 DENNIS JOSEPH RAIMONDO (a.k.a. JUSTIN
2 RAIMONDO), an individual, AND ERIC
3 ANTHONY GARRIS, an individual,

4 PLAINTIFFS,

5 v.

6 FEDERAL BUREAU OF INVESTIGATION

7 DEFENDANT.

Case No. 13-2295 JSC

**STIPULATION RE SETTLEMENT
AND DISMISSAL WITH PREJUDICE
OF FOIA CLAIMS WITH THE
EXCEPTION OF ATTORNEY'S FEES;
PROPOSED ORDER**

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STIPULATION RE SETTLEMENT AND DISMISSAL WITH PREJUDICE OF FOIA CLAIMS
WITH THE EXCEPTION OF ATTORNEY'S FEES; PROPOSED ORDER

CASE NO. 13-2295 JSC

1 Subject to the approval of the Court, Plaintiffs Dennis Joseph Raimondo and Eric Anthony
2 Garris (“Plaintiffs”) and Defendant Federal Bureau of Investigation (“Defendant”), through their counsel
3 of record, hereby stipulate as follows:

4 1. After an extensive meet and confer, in settlement of all FOIA claims in this case, except
5 for the issue of attorney’s fees, upon execution of this Stipulation, Defendant will produce an agreed
6 upon set of information to Plaintiffs’ in accordance with the terms outlined in a letter from counsel for
7 Defendant to counsel for Plaintiffs dated December 20, 2016. The parties agree that Defendant’s
8 production of such information satisfies its disclosure obligations under the FOIA in response to the
9 FOIA requests at issue in this action.

10 2. The parties thus stipulate to dismiss all FOIA claims in this action, with the exception of
11 the issue of attorney’s fees. Defendant agrees that Plaintiffs are entitled to an award of reasonable
12 attorney’s fees and costs with respect to their FOIA claims. The parties are endeavoring to reach
13 agreement on the amount of such an award and propose that they be provided approximately 45 days to
14 continue to meet and confer regarding this matter, at which time they will either file a stipulation of
15 settlement and dismissal as to that issue or propose a briefing schedule with respect to Plaintiffs’ fee
16 petition to the Court. Defendant expressly reserves all arguments regarding the reasonableness of such
17 an award, including any arguments it may have regarding the amount of fees to which Plaintiffs claim
18 they are entitled.

19 3. Execution of this Stipulation shall constitute dismissal of the FOIA claims in this case
20 with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

21 4. The parties hereby request that the Court vacate the parties’ motion for summary
22 judgment hearing schedule and hearing date of April 13, 2017. Dkt. No. 99.

23 5. During the meet and confer period regarding Plaintiffs’ FOIA claims, Defendant
24 produced to Plaintiffs additional documents, including less redacted versions of previously produced
25 documents, responsive to their FOIA requests. As this information was not available to Plaintiffs either
26 before or during the period during which the parties drafted their Cross Motions for Summary Judgment,
27 and because such documents raise new issues with respect to Plaintiffs’ Privacy Act claims, Plaintiffs

1 intend to seek leave to file a properly noticed motion for reconsideration of this Court’s May 10, 2016
2 Order Re: Cross-Motions For Summary Judgment (Dkt. No. 90) with respect to their Privacy Act claims
3 only and will do so on or before February 9, 2017. If Plaintiffs are permitted to file a motion for
4 reconsideration, Defendant will have 30 days to oppose such motion, and Plaintiffs will have 14 days to
5 reply.

6 SO STIPULATED AND AGREED.

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20 By /s/ Laura C. Hurtado
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By /s/ Rebecca Falk
Rebecca Falk¹
Attorneys for Federal Defendant

¹ I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatory listed here.

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and good cause having been shown:

1. Plaintiffs' FOIA claims are hereby dismissed with prejudice;
2. The summary judgment briefing schedule and associated hearing date regarding Plaintiffs' FOIA claims previously set by this Court are vacated (Dkt. No. 99),
3. The parties have represented to the Court they will meet and confer regarding Plaintiffs' claim for attorney's fees regarding their FOIA claims. On or before February 28, 2017, the parties will either file a stipulation of settlement and dismissal as to that issue or propose a briefing schedule with respect to Plaintiffs' fee petition to the Court; and
4. Any request for leave to file a Motion for Reconsideration of this Court's May 10, 2016 Order Re: Cross-Motions For Summary Judgment (Dkt. No. 90) regarding Plaintiffs' Privacy Act claims only, must be brought on or before February 9, 2017. If Plaintiffs are permitted to file a motion for reconsideration, Defendant will have 30 days to oppose such motion, and Plaintiffs will have 14 days to reply.

IT IS SO ORDERED.

Dated: January 23, 2017


JACQUELINE SCOTT CORLEY
United States Magistrate Judge