

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN COUNCIL OF THE BLIND, et al., )  
)  
Plaintiffs, )  
)  
v. )  
)  
HENRY M. PAULSON, JR., Secretary of the )  
Treasury, )  
)  
Defendant. )  
\_\_\_\_\_)

CIVIL ACTION NO.  
1:02CV00864 JR

**FILED**

DEC 11 2008

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**STIPULATION OF COMPROMISE AND SETTLEMENT OF  
PLAINTIFFS' CLAIM FOR ATTORNEY FEES AND COSTS  
AND PROPOSED ORDER THEREON**

WHEREAS, the Court entered an Order and Judgment in this case on October 3,  
2008 [96];

WHEREAS, plaintiffs filed a Motion for Attorney Fees and Costs on December 1,  
2008 [99];

WHEREAS, defendants deny that plaintiffs are entitled to the attorney fees, costs, and  
expenses sought on the grounds argued in Plaintiffs' Motion for Attorney Fees;

AND WHEREAS, to avoid the time and expense of further litigation, the parties have  
reached an agreement to compromise and settle plaintiffs' claim for attorney fees, costs, and  
expenses;

ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED by and between the  
parties, through their undersigned counsel, as follows, on this 10th day of December, 2008:

1. The defendant shall pay to the plaintiffs fees, costs, and expenses in the amount of  
\$672,675.00 in full and final settlement of any and all claims of the plaintiffs for attorney fees,  
costs, and expenses in this action, pursuant to any statute or any other basis, for services

performed or costs and expenses incurred in connection with this action on or before the date of this Stipulation.

2. Plaintiffs' Motion for Attorney Fees and Costs (docket #99) is hereby withdrawn as moot.

3. The provision of attorney fees, costs, and expenses pursuant to this Stipulation and Order is by agreement of the parties and is not a finding that the defendant is liable as a matter of law for the payment of any attorney fees, costs, or expenses.

4. Payment of the amount stated in paragraph 1 above shall constitute full satisfaction of any and all obligations of the United States and each of its agencies and officials for attorney fees, costs, and expenses under 28 U.S.C. § 2412, 29 U.S.C. § 794a, or any other provision of law, which attorney fees, costs, or expenses were incurred by plaintiffs in connection with this litigation at any time on and before the date of this Stipulation. The plaintiffs and each of them hereby release and forever discharge the defendant and his successors, the United States of America, and any department, agency, or establishment of the United States, and any officers, employees, agents, successors, or assigns of such department, agency, or establishment, from any additional liability for attorney fees, costs, or expenses in connection with this case — for work performed or costs or expenses incurred on and before the date of this Stipulation.

5. The defendant shall pay the amount stated in paragraph 1 above by wire transfer to an account at a financial institution designated in writing by counsel for the plaintiffs, consistent with the normal processing procedures followed by the United States Department of Justice and the United States Department of the Treasury. Plaintiffs' counsel shall provide defendant's counsel the bank routing and account information for the account to receive such payment. After

the Court's entry of its Order hereon, defendant's counsel shall promptly prepare and submit all required documentation to the United States Department of the Treasury for processing of the payment set forth above.

Respectfully submitted,

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COUNSEL FOR DEFENDANT

**IT IS SO ORDERED.**

DATED this 11<sup>th</sup> day of December, 2008.

BY THE COURT:

  
\_\_\_\_\_  
JAMES ROBERTSON  
UNITED STATES DISTRICT JUDGE