

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES UNION and)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF DEFENSE,)

Defendant.)

Civil Action No. 1:08-cv-00672
(HHK)

STIPULATION OF DISMISSAL WITH PREJUDICE

In the above-captioned action, Plaintiffs sought access, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to certain records created and controlled by Defendant. On August 20, 2008, the parties submitted a Joint Notice of Proposed Amended Production Schedule (Doc. 16). In accordance with that Schedule, Defendant produced the following records in the following categories on the following dates:

a. Three detainees who committed suicide in 2006 (Mani Shaman Turki al-Habardi al-Utaybi (ISN 588), Ali Abdullah Ahmed (ISN 693) and Yassar Talal al-Zahrani):

i. On August 22, 2008, Defendant produced what it asserted to be all responsive, nonexempt records within the possession and control of the Naval Criminal Investigative Service (“NCIS”), Armed Forces Institute of Pathology (“AFIP”) and Criminal Investigation Task Force (“CITF”).

ii. On November 10, 2008, Defendants produced what it asserted to be all responsive, nonexempt records within the possession and control of the Joint Intelligence Group

(“JIG”), Joint Detention Group (“JDG”), Joint Medical Group (“JMG”), and the Office of General Counsel (“OGC”).

b. Detainee who committed suicide in 2007 (Abdul Rahman Ma’ath Thafir Al Amri a.k.a. Al Amri):

i. On October 10, 2008, Defendant produced what it asserted to be all responsive, nonexempt records within the possession and control of AFIP.

ii. On November 10, 2008, Defendant produced what it asserted to be all responsive, nonexempt records within the possession and control of NCIS, the Guantanamo Bay Staff Judge Advocate (“SJA”), JIG, JDG, JMG and OGC.

c. Detainee who died of natural causes in 2007 (Abdul Razzak):

i. On November 10, 2008, Defendant produced what it asserted to be all responsive, nonexempt records within the possession and control of AFIP, JIG, JDG, JMG, and OGC.

d. Detainees who have attempted to commit suicide:

i. On December 11, 2008, Defendant produced what it asserted to be all responsive, nonexempt records within the possession and control of JIG, JDG, OGC and Detainee Affairs. Defendant also produced what it asserted to be all responsive, nonexempt records within the possession and control of JMG that are not personal medical records for the living detainees who have attempted suicide.

e. Additional productions:

i. On November 3, 2008, an additional production consisting of responsive, nonexempt records from Defendant and the State Department was made.

ii. On February 13, 2009, an additional production consisting of responsive, nonexempt records from Defendant (SOUTHCOM) was made.

The parties have engaged in extensive dialogue about the productions that have been made and the exemptions that have been asserted. As a result, the parties have been able to resolve any and all issues regarding withholdings, and they jointly inform the Court that dismissal of this case is appropriate.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby jointly stipulate to the dismissal of this action with prejudice. The parties will bear their own costs and fees.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2009, I caused the foregoing Stipulation of Dismissal With Prejudice to be served electronically on Defendant by filing it with this Court's Electronic Case Files (ECF) system.

Dated: July 30, 2009

/s/ Benjamin E. Wizner
BENJAMIN E. WIZNER