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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 STATE OF WASHINGTON,

CASE NO. 2:18-cv-00146 RSL

10 Plaintiff,

SETTLEMENT AGREEMENT

11 v.

12 FEDERAL ENERGY REGULATORY
13 COMMISSION, an agency of the United
States, and NEIL CHATTERJEE, in his
14 official capacity as Chairman of the Federal
Energy Regulatory Commission,

15 Defendants.

16 It is hereby stipulated by and between the undersigned plaintiff, the State of Washington (the
17 "State"), and the undersigned defendants, the Federal Energy Regulatory Commission ("FERC") and
18 Neil Chatterjee, in his official capacity as Chairman, by and through their respective attorneys, as
19 follows:

20 1. On January 31, 2018, the State filed the above action for disclosure of records under
21 the Freedom of Information Act ("FOIA") against FERC. The State's FOIA request sought "[a]ll
22 records of any communication from any Commissioner of the Federal Energy Regulatory
23

1 Commission, including the chair or acting chair, to any other Commissioner or Commissioners of
2 the Commission, including the chair or acting chair” since November 1, 2016.

3 2. FERC represents that it has produced all non-exempt, responsive records, or
4 documented withheld records, or portions thereof, on a *Vaughn* Index produced to the State.

5 3. In order to settle this action without further litigation, FERC agrees to pay the State’s
6 attorney fees and costs pursuant to FOIA in the total amount of \$23,500.00. The execution of this
7 Settlement Agreement is not, is in no way intended to be, and should not be construed as an
8 admission of liability or fault on the part of FERC, or any of its agents, sub-agencies, contractors,
9 servants, or employees. In exchange, the State agrees to dismiss its complaint with prejudice and
10 without an additional award of costs or fees, pursuant to the stipulation signed in conjunction with
11 this settlement.

12 4. FERC’s payment of \$23,500.00 represents the total fees and costs that will be paid in
13 this matter notwithstanding any additional fees or costs that the State has already incurred or may
14 incur in concluding this action, and will fully and finally resolve all outstanding issues related to
15 State’s underlying claims in the above-captioned case. Moreover, the State in this matter, on behalf
16 of themselves, administrators, and assigns does hereby unconditionally release FERC, its sub-
17 agencies, officers, agents, employees, and attorneys from any and all claims or demands that the
18 State asserted or could have asserted in the above-captioned case.

19 5. The persons signing this Agreement warrant and represent that they possess full
20 authority to bind the persons on whose behalf they are signing to the terms of the Agreement.

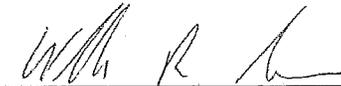
21 6. Payment of the settlement amount will be made by wire transfer according to the wire
22 transfer information provided by counsel for the State to counsel for FERC.
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1 7. It is contemplated that this Settlement Agreement may be executed in several
2 counterparts. All such counterparts and signature pages, together, shall be deemed to be one
3 document.

4 8. The parties represent that each has been represented by counsel of choice in
5 connection with the review, approval, and execution of this Settlement Agreement; that each has
6 shown this Settlement Agreement to its respective attorneys, who has explained it and advised that it
7 is a legally binding contract; that each party has read and understood this Settlement Agreement; and
8 that each party intends to be bound by each provision of this Settlement Agreement.

9 9. This Settlement Agreement cannot be modified or amended except by an instrument
10 in writing, agreed to and signed by all of the parties, nor shall any provision of this Settlement
11 Agreement be waived other than by a written waiver signed by all of the parties.

12
13 SIGNED:



WILLIAM R. SHERMAN
Assistant Attorney General
Attorney for Plaintiff

DATE:

11/13/2018

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16 SIGNED:



MICHELLE R. LAMBERT
Assistant United States Attorney
Attorney for Defendants

DATE:

11/13/2018