

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiff,

v.

WHITE HOUSE OFFICE OF MANAGEMENT
AND BUDGET, WHITE HOUSE OFFICE OF
SCIENCE AND TECHNOLOGY POLICY, and
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

05 Civ. 10594 (RJH)
ECF Case

**STIPULATION OF SETTLEMENT
AND DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff and defendants,
by and through their counsel, as follows:

1. This action is hereby dismissed with prejudice and without costs.
2. This agreement shall not constitute an admission of liability or fault on the part of the Government.
3. Plaintiff may file an application for attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E) within sixty days of the date of this order. Defendants reserve the right to oppose such an application on grounds of either law or fact.
4. The plaintiff and defendants understand and agree that this agreement contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
September 28, 2006

NATURAL RESOURCES DEFENSE
COUNCIL
Attorney for Plaintiff

By:

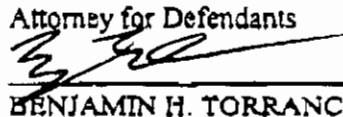


ALBERT HUANG (AH-)
40 West 20th Street
New York, New York 10011
Telephone: 212.727.4534

Dated: New York, New York
September 28, 2006

MICHAEL J. GARCIA
United States Attorney for the Southern
District of New York
Attorney for Defendants

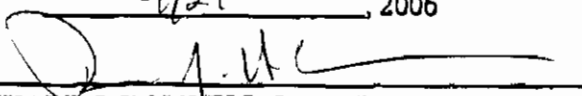
By:



BENJAMIN H. TORRANCE (BT-1118)
86 Chambers Street
New York, New York 10007
Telephone: 212.637.2703

SO ORDERED.

Dated: New York, New York
9/29, 2006



RICHARD J. HOLWELL, U.S.D.J.