

UNITED STATES COURTS DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

FILED

FEB 11 2020

**Clerk, U.S. District and
Bankruptcy Courts**

NATURAL RESOURCES DEFENSE COUNCIL

Plaintiff(s)

Civil Action No. 18-794 (CKK)

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Defendant(s)

JUDGMENT ON OFFER & ACCEPTANCE

Defendant made an Offer of Judgment to Plaintiff pursuant to Federal Rule of Civil Procedure 68. See ECF No. 30-1. The terms of that Offer were as follows: Judgment would be taken against EPA in the above-captioned action in the amount of \$18,500.00, inclusive of attorneys' fees and costs now accrued, under the following terms and conditions:

1. EPA would, subject to the terms and conditions set forth below, pay Plaintiff the amount of Eighteen Thousand Five Hundred Dollars and Zero cents (\$18,500.00) in full and final satisfaction of all of Plaintiff's claims against EPA in this Freedom of Information Act ("FOIA") action, including all claims for costs, attorneys' fees, search, review, or processing fees that have been, or could be, made.

2. EPA made the Offer of Judgment solely for the purposes of compromising disputed claims without further legal proceedings and avoiding the risks and expenses of litigation. Therefore, the Offer of Judgment was not intended and shall not be deemed to be an admission by EPA of liability or fault on the part of EPA, its agents, servants, or employees or of the merit of Plaintiff's claim for attorneys' fees and costs in this action.

3. If the Offer of Judgment were accepted, Plaintiffs would have no further claim for any relief of any kind beyond the amount set forth in this Offer. If the Offer of Judgment were not accepted, the Offer could not be used as evidence at trial. The only use to which a non-accepted Offer of Judgment may be put is to establish the consequences, if any, to Plaintiffs when final judgment is entered in the case.

Plaintiff thereafter accepted this Offer of Judgment. See ECF No. 30-2. Accordingly, in light of Plaintiff's Notice of Acceptance with Offer of Judgment, ECF No. 30, the Court enters judgment in accordance with the accepted Offer of Judgment pursuant to Federal Rule of Civil Procedure 68.

Date

2-11-2020

Signature of clerk or deputy clerk

ANGELA D. CAESAR, CLERK OF COURT