

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAWRENCE CRISCIONE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 13-0942 (RMC)
)	
U.S. NUCLEAR REGULATORY)	
COMMISSION,)	
)	
Defendant.)	

STIPULATION OF SETTLEMENT AND DISMISSAL

Plaintiff Lawrence Criscione (“Plaintiff”) and the U.S. Nuclear Regulatory Commission (“NRC”) (“Defendant”) hereby settle and compromise the above-entitled lawsuit brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, on the following terms:

1. Plaintiff agrees to dismiss this suit with prejudice with each side bearing its own fees and costs, based on the terms set forth below.
2. Within five working days of the closure of NRC’s Office of Inspector General’s (“OIG”) Investigation 13-001 and 13-005 or within 12 months of the date of this agreement, whichever is sooner, the Defendant shall release to Plaintiff an un-redacted digital copy of the recording of the requested January 17, 2013 interview regarding OIG Investigations 13-001 and 13-005 (the “recording”). Defendant will notify Plaintiff once both OIG Investigations 13-001 and 13-005 are closed. Notification to the Plaintiff will entail the NRC sending a letter by certified mail to the Plaintiff at 1412 Dial Court, Springfield, IL 62704 (“Plaintiff’s mailing address”) and including in the letter instructions for whom to contact to arrange timely receipt of the digital recording. This notification letter will be postmarked within five working days of the

closure of OIG Investigations 13-001 and 13-005. If Plaintiff's mailing address changes after the signing of this agreement but before receipt of the recording, Plaintiff will notify the NRC's Office of Inspector General of any change in address. For purposes of this paragraph, "closure" means notice from the agency to OIG of management's decision concerning agency action. If on the one year anniversary of the date of this agreement the Plaintiff has not yet received an un-redacted digital copy of the recording, then by the end of the next working day the Defendant will send the un-redacted recording to the Plaintiff via certified mail to the Plaintiff's mailing address. For the purposes of this agreement, "certified mail" includes any government or private postal or parcel service which entails signing for the receipt of the document or package. Email transmission or personal pick-up at the NRC's FOIA desk in Rockville, MD (i.e. the methods traditionally used by the Plaintiff to receive documents from the NRC under the Freedom of Information Act) may, and should, be used in lieu of certified mail if the parties can agree to less formal arrangements for receipt of the un-redacted digital recording at the time it is available for release.

3. At the time Plaintiff receives an un-redacted copy of the digital recording, any and all obligations as set forth under paragraph 2 will be satisfied.

4. This Stipulation of Settlement constitutes the full and complete satisfaction of any and all claims arising from (a) the allegations set forth in the complaint filed in this lawsuit and (b) any litigation or administrative proceeding that Plaintiff has brought, could bring, or could have brought regarding Plaintiff's FOIA/Privacy Act request in this case with the exception of enforcing the settlement agreement.

5. This Stipulation of Settlement does not constitute an admission of liability or fault on the part of Defendant, the United States, its agents, servants, or employees, and is entered into

by all parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

6. This Stipulation of Settlement is binding upon and inures to the benefit of the parties hereto and their respective successors and assigns.

7. The Court retains jurisdiction over enforcement of any other provisions of this Stipulation of Settlement.

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8. The execution and filing of this Stipulation of Settlement by counsel for Plaintiff and by counsel for Defendant constitutes a dismissal of this lawsuit, with prejudice, pursuant to Rule 41(a)(1)(A)(ii).

Dated: October 28, 2013

Respectfully submitted,

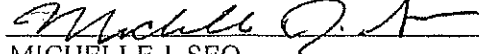


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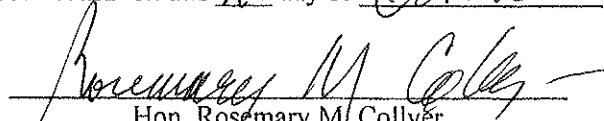
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It is SO ORDERED on this 29 day of October, 2013.


Hon. Rosemary M. Collyer
UNITED STATES DISTRICT JUDGE