

## SETTLEMENT AGREEMENT

By and through their respective counsel, Defendant, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol (“Defendant”), and Plaintiff, American Civil Liberties Union Foundation of New Hampshire (“Plaintiff”) (collectively, the “Parties”) hereby agree to settle and compromise the civil action captioned *American Civil Liberties Union Foundation of New Hampshire v. United States Customs and Border Protection*, Case No. 1:23-cv-00282-JL (D.N.H.) (the “Civil Action”), under the terms and conditions set forth in this Settlement Agreement (the “Agreement”).

1. Defendant agrees to furnish Plaintiff with records sufficient to identify the number of U.S. Border Patrol apprehensions in the State of New Hampshire from October 2022 to December 2023, disaggregated by month. Defendant agrees to provide such information no later than January 31, 2024.

2. In consideration of the terms of this Agreement, the parties shall immediately upon execution of this Agreement execute a Stipulation of Dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(a)(ii), a copy of which is attached hereto. Execution of this Agreement and the Stipulation of Dismissal shall constitute a dismissal of all claims asserted in this action.

3. This Agreement has been entered into by Plaintiff and Defendant solely for the purposes of compromising disputed claims without protracted legal proceedings and avoiding the expense and risk of such litigation. Therefore, this Agreement is not, is in no way intended to be, and should not be construed as, an admission by any Party of the merit or lack of merit of an opposing Party’s claims or defenses. Each Party reserves its right to assert any claims or defenses in any future litigation.

4. This Agreement contains the entire agreement between the Parties regarding the Civil Action and is intended to be and is the final and sole Agreement between the Parties. The Parties agree that any other prior or contemporaneous representations or understandings not explicitly contained in this written Agreement, whether written or oral, are of no further legal or equitable force or effect. Any subsequent modifications to this Agreement must be in writing and must be signed and executed by the Parties.

5. The Parties shall bear their own costs, attorney's fees, and any other expenses incurred in this matter.


6. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same agreement. A facsimile or other duplicate of a signature shall have the same effect as a manually executed original.

7. The undersigned represent that they have reviewed and understand this Agreement, that they are fully authorized to enter into the terms and conditions of this Agreement, and that they enter into the Agreement freely and voluntarily and agree to be bound thereby.

8. This Agreement shall become effective once all Parties have signed it.

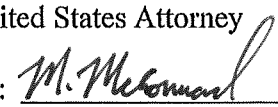
DATED: January 20, 2024

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION OF NEW HAMPSHIRE

By:   
Gilles R. Bissonnette (NH Bar No. 265393)  
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DATED: January 26, 2024

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# ATTACHMENT

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

AMERICAN CIVIL LIBERTIES UNION )  
FOUNDATION OF NEW HAMPSHIRE )

Plaintiff, )

v. )

No. 1:23-cv-00282-JL

U.S. CUSTOMS AND BORDER PROTECTION, )

Defendant. )  
\_\_\_\_\_ )

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**  
**PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)**

Plaintiff ACLU Foundation of New Hampshire hereby stipulates to the voluntary dismissal of its Amended Complaint (ECF No. 6) without prejudice and without costs pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

DATED: January \_\_\_\_, 2024

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION OF NEW HAMPSHIRE

By: /s/ Gilles Bissonnette  
Gilles R. Bissonnette (NH Bar No. 265393)  
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DATED: January \_\_\_\_, 2024

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United States Attorney

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