

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY**

NEW YORK CIVIL LIBERTIES UNION,

Petitioner,

vs.

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND COMMUNITY SUPERVISION

Respondent.

INDEX NO: 901061-23

Justice Meagan Galligan

**STIPULATION DISCONTINUING ACTION AND [PROPOSED] ORDER**

**WHEREAS**, on October 16, 2020, the New York Civil Liberties Union (the “NYCLU”) submitted a Freedom of Information Law (“FOIL”) request (“Requests”) to the New York State Department of Corrections and Community Supervision (“DOCCS”);

**WHEREAS**, in responding to the Requests, DOCCS provided certain records but otherwise denied the Requests in part or in full;

**WHEREAS**, on September 13, 2022, the NYCLU filed an administrative appeal challenging DOCCS’s denials in responding to the Requests;

**WHEREAS**, on September 28, 2022, DOCCS denied the NYCLU’s administrative appeal;

**WHEREAS**, after exhausting its administrative remedies, on January 30, 2023, the NYCLU filed an Article 78 proceeding against DOCCS, captioned *NYCLU v. New York State Department of Corrections and Community Supervision*, in the Supreme Court of the State of New York, County of Albany, Index No. 901061-23 (the “Action”), seeking judicial relief to require DOCCS to produce records responsive to the Requests and costs;

**WHEREAS**, on January 12, 2024, the Court overruled DOCCS's denial with respect to Request subparts 1, 3, 10, and 12 insofar as those denials were based on vagueness and overbreadth objections, affirmed DOCCS's denial insofar as it related to the NYCLU's request for certain Departmental Directives, ordered that the Parties appear for an evidentiary hearing regarding burden, and denied Petitioner's request for attorney's fees; and

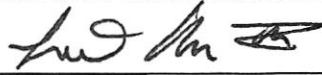
**WHEREAS**, the Parties deem it in their best interests to enter into a settlement agreement to resolve the NYCLU's claims;

**NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys of record, that this Action is discontinued with Prejudice without costs, fees, disbursements, or expenses to either party as against the other; and

**IT IS FURTHER STIPULATED AND AGREED**, that this Court shall retain jurisdiction over disputes that arise out of paragraphs 3, 4 and 6 of the parties' Settlement and Release Agreement, attached hereto as Exhibit A.

Dated: September 19, 2024

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**IT IS SO ORDERED**

Dated this 7<sup>th</sup> day of October, 2024.

  
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Hon. Meagan Galligan  
Justice, New York Supreme Court