

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JESSE HANSON, et al., :
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 Plaintiffs, :
 :
 v. : STIPULATION OF VOLUNTARY
 : DISMISSAL PURSUANT TO
 : F.R.C.P. 41(a)(1)(ii)
 ROBERT M. GATES, in his official :
 capacity as United States Secretary : 06 Civ. 3118 (JGK)
 of Defense, et al., :
 :
 :
 Defendants. :
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WHEREAS on or about April 24, 2006, plaintiffs Jesse Hanson, Eleni Angelos Healey, Kathleen Michelle Knight, Hope Reichbach, and Abigail Dimen-Taylor (collectively, “Plaintiffs”) commenced this action (the “Action”) alleging claims pursuant to the Administrative Procedure Act (“APA”), 5 U.S.C. § 702 et seq., against defendants Donald Rumsfeld, United States Secretary of Defense¹; Dr. David Chu, Under Secretary of the United States Department of Defense (“DoD”) for Personnel and Readiness; and Matt Boehmer, Program Manager, Joint Advertising Market Research and Studies (“JAMRS”), DoD (collectively, “Defendants”), regarding the maintenance of the JAMRS database and DoD’s May 23, 2005 Notice of Action in the Federal Register relating to the JAMRS database;

WHEREAS on January 9, 2007, DoD published a revised Notice of Action in the Federal Register relating to the JAMRS database, 72 F.R. 952-02 (January 9, 2007) (the “Revised Notice”);

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Robert M. Gates, United States Secretary of Defense, is automatically substituted as defendant in this action for his predecessor Donald Rumsfeld.


WHEREAS nothing in this Stipulation of Voluntary Dismissal shall be deemed to limit or expand the rights, if any, of Plaintiffs regarding the Revised Notice; and

WHEREAS nothing in this Stipulation of Voluntary Dismissal or in the Revised Notice shall constitute an admission of liability or fault on the part of Defendants with regard to DoD's actions, policies, or practices relating to the JAMRS database;

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, through their respective counsel, as follows:

1. Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Action is voluntarily dismissed with prejudice and without costs or fees to any party.
2. Plaintiffs and Defendants understand and agree that this Stipulation of Voluntary Dismissal 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.

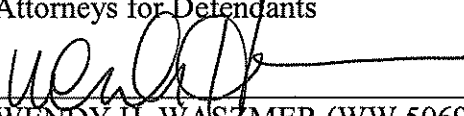
Dated: New York, New York
January 9, 2007

By: 
NEW YORK CIVIL LIBERTIES UNION
FOUNDATION
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Dated: New York, New York
January 9, 2007

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