

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL RIGHTS,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE;
EXECUTIVE OFFICE FOR UNITED STATES
ATTORNEYS; OFFICE OF INFORMATION POLICY;
OFFICE ON VIOLENCE AGAINST WOMEN;
OFFICE OF LEGAL COUNSEL; UNITED STATES
DEPARTMENT OF JUSTICE CIVIL DIVISION;
UNITED STATES DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; OFFICE OF THE
SOLICITOR GENERAL; UNITED STATES BUREAU
OF PRISONS; UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION;
UNITED STATES DEPARTMENT OF VETERANS
AFFAIRS; VETERANS HEALTH
ADMINISTRATION; OFFICE OF THE SECRETARY
OF VETERANS AFFAIRS; UNITED STATES OFFICE
OF MANAGEMENT AND BUDGET; UNITED
STATES DEPARTMENT OF THE INTERIOR;
UNITED STATES SOCIAL SECURITY
ADMINISTRATION; UNITED STATES FEDERAL
COMMUNICATIONS COMMISSION; UNITED
STATES DEPARTMENT OF DEFENSE; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES COAST GUARD;
UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT; UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT; UNITED STATES
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT; UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES; UNITED
STATES INTERNAL REVENUE SERVICE; UNITED
STATES DEPARTMENT OF EDUCATION; UNITED
STATES DEPARTMENT OF THE TREASURY;
UNITED STATES DEPARTMENT OF STATE; and
BUREAU OF CONSULAR AFFAIRS,

Defendants.

26 Civ. 1821 (JGK)

STIPULATION AND ~~PROPOSED~~ ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS, this matter relates to four separate requests under the Freedom of Information Act (“FOIA”) submitted by plaintiff Center for Constitutional Rights (“Plaintiff”) dated February 18, 2025 (ECF No. 1-1), April 29, 2025 (ECF No. 1-2), April 29, 2025 (ECF No. 1-3), and May 27, 2025 (ECF No. 1-4) seeking, *inter alia*, documents related to certain Executive Orders and an Office of Personnel Management Memorandum issued between January and March 2025 (together the “FOIA Requests”);

WHEREAS, Plaintiff commenced this litigation on March 5, 2026;

WHEREAS, on April 24, 2026 the Government filed a pre-motion conference letter concerning its anticipated Rule 12(b)(6) motion to dismiss for failure to state a claim on the basis that the FOIA Requests are not valid FOIA requests in that they are not reasonably described and are unduly burdensome and thus do not create any obligation for the agencies and components to respond, ECF No. 97;

WHEREAS, Plaintiff objected to the Government’s characterization of its FOIA Requests and maintains that the FOIA Requests are proper under the FOIA statute and applicable regulations, ECF No. 99;

WHEREAS, the Court held a pre-motion conference on May 6, 2026, and set a briefing schedule on the Government’s anticipated motion to dismiss, ECF No. 100;

WHEREAS, the Parties wish to resolve this action without further litigation;

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the parties as follows:

1. **Replacement FOIA Requests.** Plaintiff agrees that the records defined in the next paragraph, including as subject to the specific limitations on search scope, shall constitute replacement FOIA requests (the “Replacement FOIA Requests”). The original FOIA Requests

will be deemed withdrawn, and each defendant agency listed in paragraph 4 below will accept the Replacement FOIA Requests as substitute for the original FOIA Requests. The Replacement FOIA Requests will be deemed to have been sent to each agency on the date this Stipulation and Order is entered by the Court.

2. **Statement and search scope for Replacement FOIA Requests.** The defendant agencies listed in Paragraph 4 below will conduct targeted searches, at a centralized location within the agency that would be responsible for sending out any such guidance documents, for final policies related to interpretation, implementation and/or enforcement of the specific Executive Orders and OPM Guidance identified in paragraph 4 below in connection with each agency. These searches will be conducted at an agency level only, and no searches will be conducted in agency components or departments, with the exception of the Federal Bureau of Prisons (“BOP”) which will only search at BOP headquarters and the Social Security Administration which will only search in Law and Policy. An agency is not required to produce any policy documents that it has already made publicly available.

3. **Policies Definition.** The term “policies” as used above is meant to include final policy documents, guidance, memoranda, or other final interpretative documents constituting the agency’s official position as to how a specific Executive Order or OPM Guidance will be interpreted, implemented or enforced. The definition does not include any draft or non-final documents, including legal advice provided by agency counsel.

4. **Agencies Performing Searches.**

a. Department of Justice’s search will encompass:

- i. Executive Order No. 14187 titled *Protecting Children from Chemical and Surgical Mutilation*, dated January 28, 2025 (“EO No. 14187”)

- ii. Executive Order No. 14168 titled *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, dated January 20, 2025 (“EO No. 14168”)
 - iii. Executive Order No. 14151 titled *Ending Radical and Wasteful Government DEI Programs and Preferencing*, dated January 20, 2025 (“EO No. 14151”)
 - iv. Office of Personnel Management Memorandum Re: Initial Guidance Regarding Trump Executive Order on *Defending Women*, dated January 29, 2025 (“OPM *Defending Women* Guidance”)
 - v. Executive Order No. 14190 titled *Radical Indoctrination in K-12 Schooling*, dated January 29, 2025 (“EO No. 14190”)
 - vi. Executive Order No. 14201 titled *Keeping Men Out of Women’s Sports*, dated February 5, 2025 (“EO No. 14201”)
 - vii. Executive Order No. 14202 titled *Eradicating Anti-Christian Bias*, dated February 12, 2025 (“EO No. 14202”)
 - viii. Executive Order No. 14219 titled *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*, dated February 19, 2025 (“EO No. 14219”)
- b. BOP’s search will encompass:
 - i. EO No. 14168
- c. Department of Health and Human Service’s search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
 - v. EO No. 14190
 - vi. EO No. 14202
- d. Office of Personnel Management’s search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
 - v. EO No. 14202
- e. Department of Housing and Urban Development’s search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance

- v. EO No. 14202
- f. Department of Veterans Affairs' search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
 - v. EO No. 14202
- g. Department of Treasury's search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
 - v. EO No. 14202
 - vi. EO No. 14219
- h. Department of State's search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
 - v. EO No. 14201
 - vi. EO No. 14202
 - vii. Executive Order No. 14169 titled *Reevaluating and Realigning US Foreign Aid*, dated January 20, 2025 ("EO No. 14169")
- i. U.S. Agency for International Development's search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
 - v. EO No. 14202
 - vi. EO No. 14169
- j. Social Security Administration's search will encompass:
 - i. EO No. 14187
 - ii. EO No. 14168
 - iii. EO No. 14151
 - iv. OPM *Defending Women* Guidance
- k. Equal Employment Opportunity Commission's search will encompass:

- i. EO No. 14187
- ii. EO No. 14168
- iii. EO No. 14151
- iv. OPM *Defending Women* Guidance
- v. EO No. 14202

l. Federal Communications Commission's search will encompass:

- i. EO No. 14187
- ii. EO No. 14168
- iii. EO No. 14151
- iv. OPM *Defending Women* Guidance
- v. EO No. 14202

m. Department of Defense's search will encompass:

- i. EO No. 14187
- ii. EO No. 14168
- iii. EO No. 14151
- iv. Executive Order No. 14185 titled *Restoring America's Fighting Force*, dated January 27, 2025) ("EO No. 14185")
- v. OPM *Defending Women* Guidance
- vi. Executive Order No. 14183 titled *Prioritizing Military Excellence and Readiness*, dated January 27, 2025 ("EO No. 14183")
- vii. EO No. 14190
- viii. EO No. 14201
- ix. EO No. 14202

n. Department of Homeland Security's search will encompass:

- i. EO No. 14187
- ii. EO No. 14168
- iii. EO No. 14151
- iv. EO No. 14185
- v. OPM *Defending Women* Guidance
- vi. EO No. 14183
- vii. EO No. 14201
- viii. EO No. 14202

o. Department of Education's search will encompass:

- i. EO No. 14187
- ii. EO No. 14168
- iii. EO No. 14151
- iv. OPM *Defending Women* Guidance
- v. EO No. 14190

- vi. EO No. 14201
- vii. EO No. 14202
- viii. Executive Order No. 14242, titled *Improving Education Outcomes by Empowering Parents, States and Communities*, dated March 20, 2025 (“EO No. 14242”).

5. **Defendants Not Performing Searches.** For the avoidance of doubt, any named Defendants not listed as Agencies Performing Searches in Paragraph 4 are not required to undertake any action with respect to either the original or replacement FOIA Requests.

6. **Search and Production Timeframe.** Agencies identified in Paragraph 4 shall process records collected in connection with the Replacement FOIA Requests for responsiveness and potential withholdings and will release responsive, non-exempt records on a rolling basis at a reasonable rate to be determined by each processing agency. Absent unforeseen circumstances, each agency will make its first written response within three (3) months of the entry of this Stipulation and Order. Records will be produced in accordance with the producing agency’s applicable regulations and rules, and to the extent possible records will be produced electronically to LGBTQFOIA@ccrjustice.org. The producing agency may refer potentially responsive records to other agencies, to the extent the producing agency determines that those agencies may have equities in those records. In the case of records being referred to another agency, the producing agency will inform Plaintiffs as to the number of pages referred.

7. **Remand to the Agencies.** The Replacement FOIA Requests are remanded to the agencies above for a final response in accordance with the FOIA, the relevant agency’s FOIA regulations, and other applicable law. Subject to the preceding sentence, all disputes regarding an agency’s responses to the Replacement FOIA Requests, including any challenges to the agency’s searches and/or withholdings, will be first pursued by administrative appeal governed by the relevant agency’s FOIA regulations; and upon exhaustion of such administrative appeals, Plaintiff may bring a new action in district court to the extent provided for by FOIA.

8. **Fees.** The Agencies Performing Searches (para 4) processing Plaintiff's request will not assess fees in association with this request.

9. **Settlement without admission of liability or wrongdoing.** This Stipulation and Order is the result of compromise and settlement between the parties. It does not constitute an admission of liability or wrongdoing by any party, and shall not be used or admissible as precedent, evidence, or argument in any other proceeding, except as may be necessary to ensure compliance with or carry out its terms and conditions.

10. **Release.** Plaintiff releases and discharges the Agencies and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that plaintiff asserted, or could have asserted, in any litigation arising out of the FOIA Requests. No claims are released or discharged as to the Replacement FOIA Requests.

11. **Attorney's Fees.** Plaintiffs may not seek attorney's fees or costs with regards to this instant litigation.

12. **Dismissal.** This action is dismissed with prejudice, but does not prevent Plaintiff from commencing a new action subject to the terms set forth in Paragraph 7.

13. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

[remainder intentionally blank]

14. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

Date: New York, New York
August 19, 2026



A. CHINYERE EZIE
THE CENTER FOR CONSTITUTIONAL
RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
Tel.: (212) 614-6467
Email(s): cezie@ccrjustice.org

Attorney for Plaintiff

Date: New York, New York
August 19, 2026

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: DOMINIKA TARCZYNSKA
KAMIKA S. SHAW



Assistant U.S. Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2748/2768
Email(s): dominika.tarczynska@usdoj.gov
kamika.shaw@usdoj.gov

Attorneys for Defendants

SO ORDERED:

/s/ John G. Koeltl
HON. JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE

The Clerk of Court is respectfully requested to close this case.
--