

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 18 2002

NANCY MAWER WHITTINGTON, CLERK
U.S. DISTRICT COURT

TIMOTHY C. PIGFORD, et al.,
Plaintiffs,

v.

ANN M. VENEMAN, Secretary,
The United States Department
of Agriculture,

Defendant.

Civil Action No. 97-1978 (PLF)

CECIL BREWINGTON, et al.,
Plaintiffs,

v.

ANN M. VENEMAN, Secretary,
The United States Department
of Agriculture,

Defendant.

Civil Action No. 98-1693 (PLF)

STIPULATION AND ORDER

WHEREAS, on April 14, 1999, the Court approved and entered a Consent Decree, which provided for the appointment of an Independent Monitor to carry out certain duties; and

WHEREAS, on April 4, 2000, the Court issued an Order of Reference further specifying the Monitor's duties and the scope of the Monitor's authority; and

WHEREAS, on February 7, 2001, the Court issued a Stipulation and Order setting forth the extent of debt relief to be provided under paragraphs 9 (a)(iii)(A) & 10 (g)(ii) of the Consent Decree; and

WHEREAS, the Monitor's duties include, among other things, attempting to resolve any problems class members have relating to implementation of the Consent Decree (Consent Decree

¶ 12(b)(ii)) and directing the reexamination of claims based upon written Petitions for Monitor Review (Consent Decree ¶ 12(b)(iii)); and

WHEREAS, the parties have conferred and agree that it is in the interests of individual class members, the class as a whole, and the government that Petitions for Monitor Review be resolved in a timely and efficient manner; and

WHEREAS, to permit the Monitor to perform her role effectively, the parties have agreed to clarify the scope of the Monitor's authority and the record for review in certain Petition for Monitor Review cases;

NOW, THEREFORE, plaintiffs and defendant, through their undersigned counsel, hereby agree and stipulate as follows:

Consolidated Petitions

1. Where both a class member and USDA have filed a Petition for Monitor Review from the same Facilitator, Adjudicator, or Arbitrator's Decision, the petitions shall be consolidated.

The record in such consolidated cases shall include:

- a. The class member's petition and any response by USDA thereto;
- b. USDA's petition and any response by the class member thereto;
- c. The record that was before the Facilitator, Adjudicator or Arbitrator;
- d. The Decision that is the subject of the petitions; and
- e. Any supplemental information regarding the claim offered by either the class member or USDA and accepted into the record by the Monitor under the standards set forth in paragraph 8(e)(i) of the Order of Reference.

2. The Monitor shall set forth the basis of her decision in the consolidated petitions in one Monitor Petition Decision letter to the Facilitator, Adjudicator or Arbitrator. The Monitor Petition Decision letter shall contain a brief explanation of the basis of the Monitor's decision to direct or deny reexamination in response to the consolidated petitions.

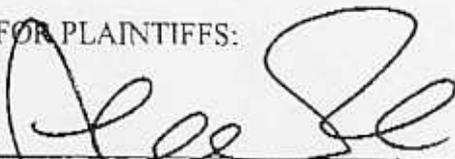
Debt Relief

3. In those Petitions for Monitor Review which raise an issue regarding debt relief pursuant to paragraphs 9(a)(iii)(A) or 10(g)(ii) of the Consent Decree and the Court's February 7, 2001, Order, the Monitor may, in her discretion, supplement the record by contacting USDA through correspondence, by telephone, or by electronic mail to obtain information from USDA regarding the status of the class member's farm loan debt.

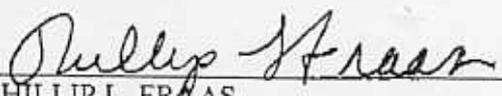
4. If the Monitor obtains information from USDA about the class member's debt relevant to the issues raised in the Petition for Monitor Review, the Monitor shall include such information in the Monitor Petition Decision letter.

5. The Monitor may supplement the record in Petitions for Monitor Review on her own initiative only by obtaining information from USDA on the status of class member farm loan debt. In all other respects, the Monitor's review of claims shall be as set forth in paragraph 8 of the Order of Reference.

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SO ORDERED.

Date: July 17, 2002

Paul L. Friedman
PAUL L. FRIEDMAN
United States District Judge