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OFFICE OF THE MONITOR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 24 2003

NANCY MAYER 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, paragraph 12 of the Consent Decree provides that the Court shall appoint an independent Monitor; and

WHEREAS, by Order dated January 4, 2000, the United States District Court appointed Randi Ilyse Roth as the independent Monitor under the Consent Decree; and

WHEREAS, the Monitor has now been performing her duties under the Consent Decree since March 1, 2000; and

WHEREAS, one of the Monitor's duties under paragraph 12(b)(i) of the Consent Decree is to make periodic written reports (not less than every six months) to the Court, the Secretary, class counsel, and defendant's counsel on the good faith implementation of this Consent Decree; and

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WHEREAS, the Monitor has filed numerous written reports with the Court, including comprehensive reports on the good faith implementation of the Consent Decree on December 26, 2000, and on August 15, 2002, along with at least twelve interim reports regarding the petitions process; and

WHEREAS, the Monitor has recommended and the parties agree that comprehensive written reports on the good faith implementation of the Consent Decree are not needed every six months and could be filed regarding each twelve-month period, upon the request of the Court or the parties, or as the Monitor deems necessary; and

WHEREAS, one of the Monitor's duties under paragraph 12(b)(iii) of the Consent Decree is to determine, in response to a petition for Monitor review, whether a claim should be reexamined by the Facilitator, Adjudicator, or Arbitrator; and

WHEREAS, the Monitor has recommended that she be permitted to recuse herself from decision making on any petition in which the Monitor believes her impartiality might reasonably be questioned; and

WHEREAS, the Monitor has represented to the Court that, after a reasonably diligent inquiry, she has determined that her recusal would be prudent in fewer than five potential matters that have resulted in or that may result in Petitions for Monitor Review; and

WHEREAS, the parties have agreed that for those claims where the Monitor wishes to recuse herself, Kenneth Saffold, Office of the Monitor General Counsel, may assume the Monitor's duties under paragraph 12(b)(iii) of the Consent Decree;

NOW THEREFORE IT IS HEREBY STIPULATED AND ORDERED THAT:

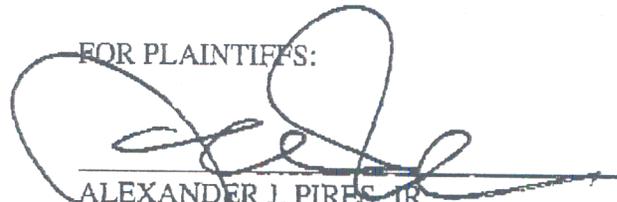
1. The Monitor shall make periodic written reports to the Court, the Secretary, class counsel, and defendant's counsel on the good faith implementation of the Consent Decree, as

specified in paragraph 12(b)(i) of the Consent Decree, regarding each twelve-month period, upon the request of the Court or the parties, or as the Monitor deems necessary;

2. Randi Roth, the court-appointed Monitor under the Consent Decree in this matter, may, in her discretion, recuse herself from rendering a decision on any petition for Monitor Review in which the Monitor believes her impartiality might reasonably be questioned.

3. For any claim in which the Monitor chooses to recuse herself from decision making under paragraph 12(b)(ii) of the Consent Decree, the Monitor may designate Kenneth Saffold of the Office of the Monitor to carry out the Monitor's duties under paragraph 12(b)(iii) of the Consent Decree.

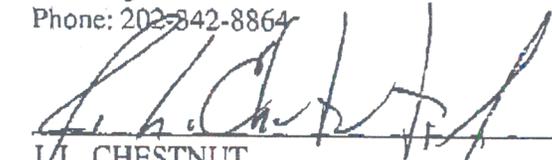
FOR PLAINTIFFS:



ALEXANDER J. PIRES, JR.
Conlon, Frantz, Phelan, Pires & Law
1818 N Street NW
Washington, DC 20036
Phone: 202-331-7050



PHILLIP L. FRAAS
3050 K Street NW, Suite 400
Washington, DC 20007-5108
Phone: 202-842-8864



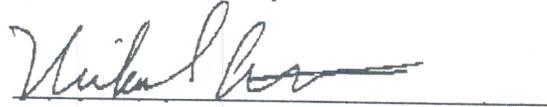
J.L. CHESTNUT
Chestnut, Sanders, Sanders, Pettaway,
Campbell & Albright
One Union Street
Selma, AL 36701
Phone: 334-875-9264

Of counsel:
Othello Cross
Willie Smith
Gerald R. Lear
Hubbard I. Sanders, IV

FOR DEFENDANT:

ROBERT D. McCALLUM, JR.
Assistant Attorney General

ROSCOE C. HOWARD, JR.
United States Attorney



Michael Sitcov
United States Department of Justice
Civil Division
901 E Street NW
Washington, DC 20004
Phone: 202-514-1944

SO ORDERED.

Date: 3/24/03


PAUL L. FRIEDMAN
United States District Judge