

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 7 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

TIMOTHY C. PIGFORD, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 TOM VILSACK, SECRETARY,)
 THE UNITED STATES DEPARTMENT)
 OF AGRICULTURE,)
)
 Defendant.)

Civil Action No.
97-1978 (PLF)

CECIL BREWINGTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 TOM VILSACK, SECRETARY,)
 THE UNITED STATES DEPARTMENT)
 OF AGRICULTURE,)
)
 Defendant.)

Civil Action No.
98-1693 (PLF)

STIPULATION AND ORDER

The Plaintiffs, Timothy C. Pigford, et al., by counsel, and the Defendant, Tom Vilsack, by counsel, submit this Stipulation and Order with respect to the claims of certain 13 individuals whose petitions under ¶ 5(g) of the Consent Decree have been approved by the Arbitrator, Michael Lewis.

WHEREAS, ¶ 5(g) of the Consent Decree provides that a prospective claimant who failed to file a completed claim package within 180 days of entry of the Consent Decree, i.e. on or before October 12, 1999, may submit a petition requesting that he/she be allowed to file a

claim. Such petition may only be granted “where the claimant demonstrates that his failure to submit a timely claim was due to extraordinary circumstances beyond his control.” *See* Consent Decree ¶ 5(g); and

WHEREAS, by Order dated December 20, 1999 the Court delegated to Arbitrator Michael Lewis the authority to approve or deny petitions for late filing of claims under ¶ 5(g) of the Consent Decree; and

WHEREAS, as a result of a final audit of petition denials conducted in 2008, 13 additional ¶ 5(g) petitions were approved by the Arbitrator as indentified by Tracking Number in Exhibit A hereto; and

WHEREAS, the Claims Facilitator and Arbitrator have informed the parties that the ¶ 5(g) process, including all audits of denials, is complete and that no additional late-claim petitions will be approved.

NOW, THEREFORE, the Plaintiffs and Defendant hereby agree and stipulate as follows:

1. The Claims Facilitator will promptly send a Claim Sheet and Election Form to the Claimants identified by Tracking Number in Exhibit A hereto; and
2. The process for review of petitions under ¶ 5(g) of the Consent Decree is complete and no additional Claim Sheet and Election Forms will be sent to other late-claim petitioners.

May 5, 2009

/s/
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Counsel for Plaintiffs

SO ORDERED:


United States District Judge

May 6, 2009
Date

EXHIBIT A

13 Approved Plaintiff 5g Claimants

Tracking #
74448
74344
111617
113262
62019
81945
64172
74930
123855
79558
116609
61941
106914