

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

SEP 21 2011

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

_____	)
TIMOTHY C. PIGFORD, <i>et al.</i> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
TOM VILSACK, Secretary,	)
United States Department of	)
Agriculture,	)
	)
Defendant.	)
_____	)

Civil Action No.  
97-1978 (PLF)

_____	)
CECIL BREWINGTON, <i>et al.</i> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
TOM VILSACK, Secretary,	)
United States Department	)
of Agriculture,	)
	)
Defendant.	)
_____	)

Civil Action No.  
98-1693 (PLF)

STIPULATION AND ORDER REGARDING  
TERMINATION OF MONITOR'S PARAGRAPH 12 DUTIES

WHEREAS, the Consent Decree entered in this case on April 14, 1999, provided for the appointment of an Independent Monitor to carry out certain duties enumerated in paragraph 12 of the Consent Decree; and

WHEREAS, on January 4, 2000, the Court issued an Order appointing Randi Ilyse Roth as the Monitor in this case; and

WHEREAS, on April 4, 2000, the Court issued an Order of Reference regarding the Monitor's responsibilities, powers, and protections; and

WHEREAS, on August 2, 2001, the Monitor was directed to prepare and file a statement that details the amount of unspent funds in the reserve of the Court Registry from completed budget cycles; and

WHEREAS, on December 19, 2001, the Court issued an Order regarding the payment of the Monitor's expenses, including payment of the sum of \$500,000 to serve as an advance against expenses that the Monitor would incur; and

WHEREAS, on February 17, 2011, a Stipulation and Order extended the Monitor's appointment until such time as her paragraph 12 duties were completed or January 31, 2012, whichever comes first; and

WHEREAS, the parties agree that after the termination of the Monitor's paragraph 12 duties it is necessary for the Monitor to complete certain administrative tasks required to shut down the Monitor's office;

NOW THEREFORE IT IS HEREBY STIPULATED AND ORDERED THAT:

1. The Monitor's substantive responsibilities set forth in paragraph 12 of the Consent Decree shall be completed no later than January 31, 2012.
2. After the completion of the Monitor's paragraph 12 duties, the Monitor shall have the authority and responsibility to perform the administrative tasks required to shut down the Monitor's office. The Monitor's administrative responsibilities shall conclude upon the completion of the following tasks:

- a. Final Invoice. The Monitor shall submit a final statement to the Court for approval of the Monitor's final fees and expenses with copies to counsel for both parties. The Final Invoice shall include those expenses necessary to complete the administrative shut-down of the Monitor's Office.

Objections to the Final Invoice shall be filed with the Court, with copies to the Monitor and to the opposing party, within ten (10) days of the submission of the Final Invoice. Any party that does not object to the fees or expenses detailed on the Final Invoice within ten (10) days of its submission shall be deemed to have waived any objection permanently. At the conclusion of the ten-day period, or within ten days after resolution of any objection, whichever comes first, the Court will enter an Order directing payment of any sums approved. Any sum approved by the Court shall be paid within fifteen (15) days unless otherwise ordered or agreed upon.

b. Repayment of \$500,000 Advance on Expenses. The Monitor shall repay the Government the \$500,000 advance the Government provided to the Monitor pursuant to the Court's December 19, 2001 Order. The advance shall be repaid in two equal installments: the first installment shall be paid within three (3) business days after said stipulation is approved; the second installment shall be paid on or before ten (10) days after the Monitor's Final Invoice is paid.

Repayment of funds shall be returned to the Government at the following address via a service that tracks delivery and provides return receipts: USDA/Farm Service Agency, Financial Management Division, Financial Accounting Office, Beacon Facility -- Mail Stop 8558, ATTN: Terry Luchrs, P.O. Box 419205, Kansas City, MO 64141-6205. When each check is sent, the Monitor shall provide notice of same to USDA's Office of General Counsel.

c. Return of Unspent Funds in Court Registry. Forty-five (45) days after the Monitor's receipt of payment for the Final Invoice, the Monitor shall file a

statement that details the amount of unspent funds in the reserve of the Court Registry. The amount of any unspent funds in the Court Registry, as set forth in the Monitor's statement, shall be returned to USDA. Any such unspent funds shall be returned to USDA at the following address via a service that tracks delivery and provides return receipts: USDA/Farm Service Agency, Financial Management Division, Financial Accounting Office, Beacon Facility – Mail Stop 8558 ATTN: Terry Luehrs, P.O. Box 419205, Kansas City, MO 64141-6205. When the check is sent, the Monitor shall provide notice of same to USDA's Office of General Counsel.

d. Final Monitor Expense Report. At such time as the Monitor's administrative shut down is complete and a final audit of the Monitor's expenses has been conducted, the Monitor shall file a Final Expense Report with the Court indicating the amount, if any, of surplus funds remaining from the payment of the Monitor's Final Invoice. Any such unspent funds shall be returned to the Government at the following address via a service that tracks delivery and provides return receipts: USDA/Farm Service Agency, Financial Management Division, Financial Accounting Office, Beacon Facility – Mail Stop 8558 ATTN: Terry Luehrs, P.O. Box 419205, Kansas City, MO 64141-6205. When the check is sent, the Monitor shall provide notice of same to USDA's Office of General Counsel.

e. Records. The Monitor shall keep a complete record of all of her fees and expenses until such time as the Monitor's Final Invoice is approved and paid. The

Monitor will follow a document retention schedule that complies with applicable law; a copy of that schedule will be shared with the parties.

3. If the Monitor is sued or if her testimony is compelled for actions taken during her term in that position she may request representation by the United States Department of Justice.

Dated: September \_\_, 2011.

FOR PLAINTIFFS:

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SO ORDERED.

Dated: 9/21/11

  
PAUL L. FRIEDMAN  
United States District Judge