

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 14 2000

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

TIMOTHY C. PIGFORD, et al.,)
)
Plaintiffs,)
)
v.)
)
DAN GLICKMAN, SECRETARY,)
THE UNITED STATES DEPARTMENT)
OF AGRICULTURE,)
)
Defendant.)
_____)

Civil Action No. ✓
97-1978 (PLF)

CECIL BREWINGTON, et al.,)
)
Plaintiffs,)
)
v.)
)
DANIEL R. GLICKMAN,)
)
Defendant.)
_____)

Civil Action No.
98-1693 (PLF)

STIPULATION AND ORDER

WHEREAS on April 14, 1999 this Court approved and entered a Consent Decree in these consolidated actions that is designed to bring resolution and finality to the claims of race discrimination of those class members who opted to have their claims resolved under the adjudication or arbitration processes provided in the Consent Decree; and

WHEREAS the Consent Decree provided for a national, multimedia advertising campaign that commenced in January 1999 and was designed by advertising professionals to ensure that notice of the terms of the Consent Decree would receive the widest possible

dissemination in a manner targeted specifically at class members;
and

WHEREAS the Consent Decree provided a six-month period, commencing upon the Court's approval of the Decree on April 14, 1999 and ending on October 12, 1999, for persons to apply for class membership, and that, in fact, the Facilitator began receiving Claim Form and Election Sheets upon commencement of the advertising campaign in mid-January 1999; and

WHEREAS more than 24,000 claim forms were filed with the Consent Decree Facilitator during the nine-month period beginning with the commencement of the advertising campaign in mid-January 1999 and ending with the close of the period for filing claim forms in mid-October 1999; and

WHEREAS since the period for filing claim forms ended, thousands of additional persons have either filed Claim Form and Election Sheets, or requested them, in an effort to participate in the Consent Decree's claims resolution processes, and a significant number of persons who filed timely but deficient claim forms corrected their claim form deficiencies after the close of the period provided in the Consent Decree for filing claim forms;
and

WHEREAS by Order dated December 20, 1999 this Court delegated to Michael Lewis the Court's authority to approve or deny petitions for late filing of Claim Sheet and Election Forms under

¶ 5(g) of the Consent Decree, and

WHEREAS a substantial number of the class members whose Track A and Track B claims have been, or will be, decided adversely to them have, or are expected to, petition the Monitor for review pursuant to ¶ 12(b)(iii) of the Consent Decree;

NOW, THEREFORE, plaintiffs and defendant hereby agree and stipulate as follows:

1. All timely filed but defective Claim Sheet and Election Forms that were corrected and resubmitted after the conclusion of the period prescribed by ¶ 5(c) of the Consent Decree - October 12, 1999 - shall be deemed to have been timely filed within the period prescribed by ¶ 5(c). Putative class members who did not submit a Claim Sheet and Election Form to the Facilitator within the period prescribed by ¶ 5(c) shall not be permitted to participate in the Consent Decree's adjudication or arbitration processes unless they are found to have satisfied the requirements of ¶ 5(g) of the Decree.

2. All putative class members who seek relief under ¶ 5(g) of the Consent Decree shall submit written requests for such relief to the Facilitator - without a Claim Sheet and Election Form - postmarked not later than September 15, 2000. No extensions of that deadline will be granted for any reason.

3. Michael K. Lewis, the Decree's Arbitrator, is hereby delegated this Court's authority to determine whether requests for

relief under ¶ 5(g) of the Consent Decree that were filed after January 31, 2000 and before September 15, 2000 satisfy the requirements of that provision.

4. A putative class member whose request for relief under ¶ 5(g) is granted by Michael K. Lewis will be sent a letter and a Claim Sheet and Election Form by Mr. Lewis. The putative class member must file a completed Claim Sheet and Election Form with the Facilitator that is postmarked not later than 60 days from the date of the letter notifying the class member that his/her request for relief has been granted. No extensions of that deadline will be granted for any reason.

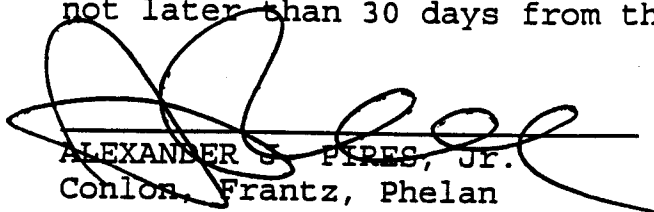
5. Any party who received a wholly or partially adverse decision under Track A or Track B as of the date of this Order shall have 120 days from the date of this Order to petition the Monitor for review under ¶ 12(b)(iii) of the Consent Decree. Any party who, after the date of this Order, receives a wholly or partially adverse decision under Track A or Track B shall have 120 days from the date of such decision to petition the Monitor for review under ¶ 12(b)(iii) of the Consent Decree. No extensions of these deadlines will be granted for any reason.

6. Any party who receives a wholly or partially adverse decision under Track A or Track B shall be entitled to file only one petition for review under ¶ 12(b)(iii) of the Consent Decree, and neither the Monitor's decision on the petition for review, nor

the decision of the Adjudicator or the Arbitrator upon reconsideration shall be subject to further review of any type in any forum.

7. Copies of this Stipulation and Order shall be (a) posted in a conspicuous public place in every USDA Farm Services Agency county office; and (b) mailed by the Facilitator to every person who (i) requested a Claim Sheet and Election Form and (ii) did not submit a completed Claim Form to the Facilitator within the period prescribed by ¶ 5(c) of the Consent Decree.

8. Any person who objects to any aspect of this Stipulation and Order shall submit his/her objections to the Court in writing not later than 30 days from the date of the entry of this Order.

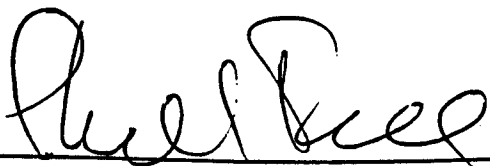


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It is so ORDERED

DATED: 7/13/00

DENNIS G. LINDER
Director, Federal Programs
Branch



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Civil Division
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UNITED STATES DISTRICT JUDGE

July 19, 2000