

FILED

FEB 07 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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 plaintiff 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 provides that class members who prevail on claims of discrimination in Department of Agriculture ("USDA") non-credit benefit programs are entitled, inter alia, to the amount of the benefit wrongly denied, see ¶ 9(b)(iii)(A); and

WHEREAS determining the precise amount of any non-credit benefits that individual class members were wrongly denied would be difficult, if not impossible; and

WHEREAS the Consent Decree provides that a class member who prevails on a claim of discrimination in connection with a credit transaction shall be entitled, inter alia, to the discharge of all of his outstanding debt to the Farm Services Agency ("FSA") of the USDA that was incurred under, or affected by, the program(s) that was/were the subject of the discrimination claim(s) resolved in the class member's favor, see ¶¶ 9(a)(iii)(A) & 10(g)(ii); and

WHEREAS the relief provided in ¶¶ 9(a)(iii)(A) & 10(g)(ii) of the Consent Decree remedies consequential harm to a prevailing class member caused by discrimination, and thus would encompass all debts which were identified by the Adjudicator or the Arbitrator as having been affected by the discrimination, and additionally all debts incurred at the time of, or after, the first event upon which a finding of discrimination is based; and

WHEREAS, the parties to the Consent Decree did not intend that the words "incurred under" in ¶¶ 9(a)(iii)(A) & 10(g)(ii) would encompass (a) debts that were incurred under FSA programs other than those as to which a specific finding of discrimination was made by the Adjudicator or Arbitrator with respect to the class member (e.g., the Operating Loan program [OL program], the Farm Ownership loan program [FO program], the Emergency Loan

program [EM program], etc.); (b) debts that were incurred by the class member prior to the date of the first event upon which a finding of discrimination is based; or (c) debts that were the subject of separate litigation in which there was a final judgment as to which all appeals have been forgone or completed;-

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

1. A class member who prevails in a Track A adjudication or a Track B arbitration on a claim of discrimination involving a USDA non-credit benefit program shall be entitled to a payment by USDA in the total amount of \$3,000, without regard to the number of such claims upon which the class member prevails.

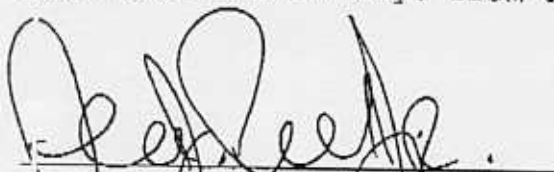
2. The relief to be provided in ¶¶ 9(a)(iii)(A) & 10(g)(ii) of the Consent Decree to a class member who prevails on a claim of credit discrimination includes all debts which were identified by the Adjudicator or the Arbitrator as having been affected by the discrimination.¹ Additionally, such relief includes all debts incurred at the time of, or after, the first event upon which a finding of discrimination is based, except that such relief shall not include: (a) debts that were incurred under FSA programs other than those as to which a specific finding of discrimination was made by the Adjudicator or Arbitrator with respect to the class

¹ Debts "affected by" the discrimination will not be forgiven to the extent that they were the subject of separate litigation in which there was a final judgment as to which all appeals have been forgone or completed.

number (e.g., the Operating Loan program [OL program], the Farm Ownership loan program [FO program], the Emergency Loan program [EM program], etc.); (b) debts that were incurred by the class member prior to the date of the first event upon which the Adjudicator's or Arbitrator's finding of discrimination is based, or (c) debts that were the subject of litigation separate from this action in which there was a final judgment as to which all appeals have been forgone or completed.

3. Copies of this Stipulation and Order shall be posted in a conspicuous public place in every FSA county office.

4. 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.



ALEXANDER J. PIRES, Jr.
Conlon, Frantz, Phelan
& Pires

1818 N. St., N.W.
Washington, D.C. 20036
(202) 331-7050

STUART E. SCHIFFER
Deputy Assistant Attorney
General

Phillip Fraas
PHILLIP L. FRAAS
Futtle, Taylor & Heron
1025 Thomas Jefferson St., N.W.
Washington, D.C. 20007
(202) 342-1300

J. L. Chestnut
J. L. CHESTNUT
Chestnut, Sanders, Sanders,
Pettaway, Campbell & Albright
1. Union Street
Selma Alabama
(334) 875-9264

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

It is so ORDERED

DATED: *February 7, 2001*

DENNIS G. LINDER
Director, Federal Programs
Branch

Michael Sitcov
MICHAEL SITCOV
ELIZABETH GOITEIN
Department of Justice
Civil Division
901 E Street, N.W.
Washington, D.C. 20004
(202) 514-1944

Paul Z. Levin
UNITED STATES DISTRICT JUDGE