

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 13 2010

~~NANCY MAYER WHITTINGTON~~, CLERK
U.S. DISTRICT COURT

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

Civil Action No.
97-1978 (PLF)

December 11, 2009

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

WHEREAS paragraph 12 of the Consent Decree establishes an independent Monitor who shall:

- i. Make periodic written reports to the Court, the Secretary of Agriculture, class counsel, and defendant's counsel on the good faith implementation of the Consent Decree;
- ii. Attempt to resolve any problems that any class member may have with respect to any aspect of the Consent Decree;
- iii. Direct the Facilitator, Adjudicator, or Arbitrator to reexamine a claim where the Monitor determines that a clear and manifest error has occurred in the screening, adjudication, or arbitration of the claim and

has resulted or is likely to result in a fundamental miscarriage of justice; and

- iv. Be available to class members and the public through a toll-free telephone number in order to facilitate the lodging of any Consent Decree complaints and to expedite their resolution; and

WHEREAS the Monitor has been actively engaged in completing her paragraph 12 duties, including working with the parties to ensure the appropriate debt relief has been fully implemented for prevailing class members who are eligible for debt relief; and

WHEREAS the parties agree that it is in their interests for the Monitor to remain in existence to complete her duties under the Consent Decree; and

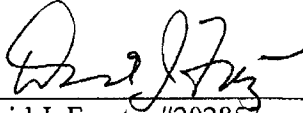
WHEREAS the parties agree that all major issues or possible class-wide problems with implementing the Consent Decree have been identified; and

WHEREAS the parties agree that the Monitor's focus in completing her duties under the Consent Decree should be: a) verifying that proper debt relief was granted to prevailing claimants listed on the comprehensive list of prevailing claimants; and b) directing the Facilitator, Adjudicator, or Arbitrator to reexamine claims where the Monitor determines that a clear and manifest error has occurred in the screening, adjudication, or arbitration of the final claims presented to her under paragraph 12(b)(iii) of the Consent Decree entered in their action and has resulted, or is likely to result in a fundamental miscarriage of justice.

NOW THEREFORE IT IS HEREBY STIPULATED AND ORDERED THAT:

(1) The Monitor shall remain in existence until her duties under the Consent Decree are completed, or until June 15, 2011, whichever occurs first.

FOR PLAINTIFFS:

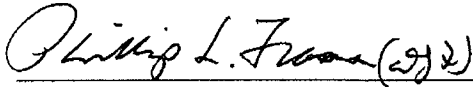


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Dated:

SO ORDERED.

Date: 1/13/10



PAUL L. FRIEDMAN
United States District Judge