

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 29 2010

**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.)
-----)

March 10, 2010

Civil Action No.
98-1693 (PLF)

STIPULATION AND ORDER

WHEREAS the National Archives and Records Administration ("National Archives") is authorized to accept for deposit such records as the Archivist of the National Archives determines to have sufficient historical or other value to warrant their continued preservation by the United States Government; and

WHEREAS certain documents provided to the Monitor in the above-captioned matters contain information that is protected from disclosure pursuant to the provisions of section 4(b) of the Privacy Act of 1974, 5 U.S.C. § 552a(b); paragraphs 1 through 5 of the Second Amended

Supplemental Privacy Act Protective Order, filed July 14, 2000; and the Order filed November 7, 2000 by this Court; and

WHEREAS, disclosure of a representative sample of certain of the documents to the National Archives will assist the Archivist of the National Archives in determining which, if any, of the documents have sufficient historical or other value as to warrant their continued preservation by the United States Government and the conditions under which any such preservation should occur;

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

1. The Monitor shall be authorized to disclose a representative sample of each of the following documents to the Archivist of the National Archives or a designee of the Archivist:

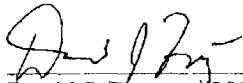
- a. Claim Sheet and Election Form;
- b. Track A Claim Response;
- c. Track A Adjudicator decision;
- d. Track A Petition to the Monitor;
- e. Track A Petition Response;
- f. Track A Monitor petition decision;
- g. Track A Adjudicator reexamination decision;
- h. Track B decision record, including the Arbitrator decision, a Petition to the Monitor, a Petition Response, a Monitor decision, and an Arbitrator reexamination decision;
- i. Late Claim Affidavit; and
- j. Claimant letters to the Monitor.

2. Disclosures of the documents identified in paragraph 1 above shall be solely to permit the Archivist of the National Archives or a designee of the Archivist to evaluate whether the record(s) have sufficient historical or other value to warrant their continued preservation by the

United States Government, and if such continued preservation is warranted, to plan for the efficient processing and preservation of the records, and not for any other purpose.

3. The Monitor shall inform the parties and the Court of the results of the Archivist's evaluation of the documents provided by the Monitor, including the recommendations, if any, that the Archivist of the National Archives may have regarding the historical value and preservation of the documents, and if preservation is warranted, of the efficient processing and preservation of the records.

FOR PLAINTIFFS:

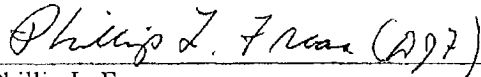


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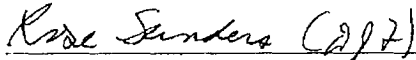
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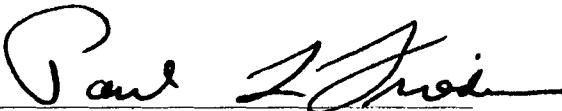
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SO ORDERED.

Date: 3/29/10


PAUL L. FRIEDMAN
United States District Judge