

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
TIMOTHY C. PIGFORD, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	97-1978 (PLF)
TOM VILSACK, Secretary,)	
United States Department of)	
Agriculture,)	
)	
Defendant.)	
_____)	
CECIL BREWINGTON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	98-1693 (PLF)
TOM VILSACK, Secretary,)	
United States Department)	
of Agriculture,)	
)	
Defendant.)	
_____)	

MONITOR’S NINTH REPORT ON DEBT RELIEF IMPLEMENTATION

On June 14, 2011, the Monitor filed the Monitor’s eighth report with the Court regarding the review, implementation, and verification of *Pigford* debt relief for all prevailing claimants who may be eligible for debt relief.¹ The Monitor reported in

¹ Prior Monitor reports and Court Orders have addressed the reasons for the review process and the steps the parties and the Monitor have agreed are necessary to review, implement, and verify that USDA has appropriately implemented debt relief for all prevailing claimants who are entitled to *Pigford* debt relief.

June 2011 that the parties had discussed the goal of completing the *Pigford* debt relief review process by October 31, 2011. The October 31, 2011, goal has not been met. In this report, the Monitor explains the reasons why.

I. REASONS WHY DEBT RELIEF REVIEW IS NOT COMPLETE

There are two primary reasons why the debt relief review process is not complete. These two reasons are: (1) USDA's has yet to implement debt relief for all claimants who are entitled to *Pigford* debt relief; and (2) the parties have been unable to reach agreement on the appropriate debt relief in all cases in which Class Counsel and/or the Monitor has raised a question regarding the appropriate debt relief.

A. USDA Has Yet to Implement All Debt Relief

As of December 1, 2011, there were fourteen cases in which USDA had not yet reported to the Monitor and Class Counsel that it had implemented the debt relief claimants are entitled to receive. For the debt relief review process to be complete, USDA must implement the necessary debt relief and must route records to the Monitor and Class Counsel for review.

B. The Parties Have Not Agreed on the Appropriate Debt Relief

As of December 1, 2011, there were six cases in which Class Counsel and/or the Monitor had raised a question regarding the appropriate debt relief. After review of the question presented in each case, USDA did not agree that the claimant was entitled to the

identified debt relief. The Monitor has been working with the parties to resolve cases in which questions have been raised. The Monitor's efforts have not been successful to date.

II. TIME IS OF THE ESSENCE

Time is of the essence in order to complete the debt relief implementation, review, and verification process. For the process to be completed, the parties must resolve all questions regarding the appropriate debt relief, USDA must implement the appropriate relief, USDA must forward the records for each claim for verification, and the Monitor must issue final summaries for all remaining cases.² The parties have discussed the time in which each of these tasks must be completed in order to finish all tasks.

USDA has agreed to report to the Monitor and Class Counsel on or before December 12, 2011, regarding the agency's plans for completing the implementation of debt relief for the fourteen cases currently identified for implementation. USDA and Class Counsel have agreed to review and attempt to resolve any pending questions in the six unresolved cases on or before December 12, 2011.

III. RECOMMENDATION

The Monitor recommends the Court order the Monitor to report on or before December 15, 2011, regarding: (1) the implementation of debt relief in the fourteen cases pending implementation and, if not, why debt relief has not been implemented for these claimants and the schedule on which it will be implemented; (2) an update regarding the

² Under the process established by the parties, the Monitor prepares a draft summary, which is sent to Class Counsel and USDA for review. If no objection to the summary is received within a defined period of time, the Monitor issues a final summary for each claim. Class Counsel has agreed to review summaries in a short period of time, so as to expedite the completion of the debt relief review process.

status of the six unresolved cases; and (3) what actions must be taken to complete the debt relief review, implementation, and verification process.

Dated: December 1, 2011.

Respectfully submitted,

s/Randi Ilyse Roth

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Monitor

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