

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY C. PIGFORD, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 TOM VILSACK, Secretary,)
 United States Department of)
 Agriculture,)
)
 Defendant.)

Civil Action No.
97-1978 (PLF)

CECIL BREWINGTON, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 TOM VILSACK, Secretary,)
 United States Department)
 of Agriculture,)
)
 Defendant.)

Civil Action No.
98-1693 (PLF)

MONITOR'S TENTH REPORT ON DEBT RELIEF IMPLEMENTATION

On December 1, 2011, the Monitor filed the Monitor's ninth report regarding the review, implementation, and verification of *Pigford* debt relief for all prevailing claimants who may be eligible for debt relief. On December 8, 2011, the Court ordered the Monitor to report on December 15, 2011, regarding: (1) USDA's implementation of debt relief in fourteen cases pending implementation and, if debt relief has not been implemented for these claimants, the schedule on which it will be implemented; (2) the status of six cases in which questions about the appropriate debt relief were unresolved; and (3) what actions must be taken to complete the debt relief review, implementation, and verification

process. The Monitor submits this report to comply with the Court's December 8, 2011 Order.

I. USDA IMPLEMENTATION OF DEBT RELIEF

As of December 1, 2011, the Monitor reported that there were fourteen cases in which USDA had not yet implemented the *Pigford* debt relief claimants are entitled to receive. As of December 12, 2011, USDA's Finance Office had implemented debt relief in two of those fourteen cases.¹ For seven of these cases, USDA has not yet forwarded any loan records to the Monitor for review.

USDA has explained the reasons why implementation is not complete for all claimants who are entitled to *Pigford* debt relief. USDA recently informed the Monitor and Class Counsel that the agency's implementation of currently identified debt relief will be completed no later than March 1, 2012.²

II. RESOLUTION OF APPROPRIATE DEBT RELIEF

As of December 1, 2011, the Monitor reported there were six cases in which Class Counsel and/or the Monitor had raised a question regarding the appropriate debt relief. As of December 12, 2011, the parties had resolved one of those six cases. The parties have continued to discuss the remaining cases in which a question has been raised regarding the appropriate debt relief. The parties and the Monitor have agreed to attempt to resolve the remaining cases prior to January 31, 2012.

¹ Since December 1, 2011, one case was removed from the group due to an anticipated petition for Monitor review. The Monitor communicates regularly with the parties regarding the status of claims in the debt relief review process.

² USDA noted that any additional cases or other tasks arising in the interim time period may require a later date for USDA to complete implementation and routing of debt relief records.

III. STEPS REMAINING IN DEBT RELIEF REVIEW

As of December 12, 2011, the Monitor had issued debt relief summaries in a total of 2,879 of the 2,896 claims currently identified for review. For each claim in which the process has been completed, the parties have worked together to resolve all questions regarding the appropriate debt relief, USDA has implemented the relief, if any, that has been identified as appropriate, and USDA has forwarded the records necessary to verify that appropriate relief has been implemented.

The Monitor has not yet completed a summary of the debt relief, if any, implemented by USDA in approximately seventeen claims.³ The parties and the Monitor have discussed the steps required to complete the debt relief implementation, review, and verification process for all claimants who may be eligible for *Pigford* debt relief. The parties and the Monitor have discussed whether, in light of USDA's projected implementation schedule, the Monitor's appointment should be extended beyond January 31, 2012, the date the appointment is currently set to expire, to allow the Monitor to continue to participate in the debt relief review process.

IV. RECOMMENDATION

The Monitor recommends the Court order the Monitor to report on or before January 12, 2012, regarding: (1) the tasks remaining to complete *Pigford* debt relief review, implementation, and verification process for all prevailing claimants who may be entitled to *Pigford* debt relief; and (2) the timeframe for completing these tasks, including a recommendation on whether the Monitor's appointment should be extended beyond

³ 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.

January 31, 2012, to permit the Monitor to continue to participate in the debt relief review, implementation, and verification process.

Dated: December 15, 2011.

Respectfully submitted,

s/Randi Ilyse Roth

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Monitor

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