

Monitor Update: Procedural Rules for the Track B Monitor Petition Process

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Procedural Rules for the Track B Monitor Petition Process

1. General Procedures and Deadlines

All of the Court orders referenced below may be found on the Court's web site at <http://www.dcd.uscourts.gov>.

- a. **General Procedures.** The general procedures for the Monitor review process can be found in the Court's April 4, 2000, Order of Reference. Further detail can be found in the Monitor's booklet entitled "Questions and Answers About Monitor Review of Decisions," which is available from the Office of the Monitor.
- b. **Deadline for Petitions for Monitor Review.** The deadlines for filing petitions for Monitor review are found in the Court's Order of July 14, 2000. In general, petitions must have been filed by November 13, 2000, or by 120 days from the date of the Arbitrator decision, whichever is later.
- c. **Deadline for Responses to Petitions.** The deadline for responding to petitions for Monitor review is found in the Court's Order of September 12, 2000. In general, responses to petitions must be filed within sixty days from the non-petitioning party's receipt of the petition for Monitor review.

2. Filing Petitions for Monitor Review

Under Track B, any party seeking Monitor review of the Arbitrator's decision must:

- a. Timely file with the Facilitator an original petition for Monitor review ("petition") and one copy of the petition. Petitions will be deemed "filed" as of the date of postmark. Petitions should be sent to:

Black Farmers' Settlement
Claims Facilitator
PO Box 4390
Portland, OR 97208-4390

- b. File with the petition a Designation of Record. The Designation of Record shall include material before the Arbitrator in the petitioning Track B proceeding and shall specifically identify: (a) documentation; (b) exhibits; (c) testimony; (d) transcripts; and any other information that is a part of the record that should be considered by the Monitor for review.
- c. Timely serve one copy of the petition, including the designation of record, on the opposing party. Petitions will be deemed "served" as of the date of postmark.
- d. Attach a completed original certificate of service to the original petition at the time of filing and attach a copy of the certificate of service to each copy of the petition.

3. Responding to Petitions for Monitor Review

Under Track B, any party responding to a petition must:

- a. Timely file with the Facilitator an original response to the petition for Monitor review ("response") and one copy of the response. Responses will be deemed "filed" as of the date of postmark. Responses should be sent to:

Black Farmers' Settlement
Claims Facilitator
PO Box 4390
Portland, OR 97208-4390

- b. In addition, the responding party may file a Designation of Record of additional material not identified by the petitioning party. The Designation of Record of the additional material shall specifically identify: (a) documentation; (b) exhibits; (c) testimony; (d) transcripts; and any other information that is a part of the record that should be considered by the Monitor for review. The Designation of Record of additional material, if filed, must be filed within sixty days from receipt of the petition for Monitor review.
- c. Timely serve a copy of the response, including the responding party's designation of record, if any, on the petitioning party. Responses will be deemed "served" as of the date of postmark.
- d. Attach a completed original certificate of service to the original response at the time of filing and attach a copy of the certificate of service to each copy of the response.

The Monitor may, in her discretion, review material in the record before the Arbitrator that has not been designated by the parties.

4. Publication of Rules

The Arbitrator shall include copies of these rules whenever he sends to parties copies of decisions in their Arbitration cases. He shall also immediately send copies to all parties who have already received Arbitration decisions. The Arbitrator, the Monitor, and the parties shall also be free to send copies out to the public upon request.