

# Monitor Update: Late Claim Deadline

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Update 001

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## Late Claim Deadline

### 1. Introduction

On July 14, 2000, Judge Paul L. Friedman issued an important Order in the *Pigford* lawsuit that affected the filing of late claims. An Order from the Judge has the force of law.

The Order directed the Facilitator in the lawsuit to send a copy of the Order to a certain category of people. Because the Order is written in legal language, the Monitor's Office feels that a summary and explanation of the Judge's Order might help class members. If you would like to have a copy of the July 14, 2000, Order sent to you, please call the Monitor's office at 1-877-924-7483.

This update sets out to explain:

- What late claims are.
- When late claims are allowed.
- How to go about getting a late claim considered.
- The deadline for requesting late claim eligibility under the Judge's Order.
- The deadline for filing a claim if the late claim is allowed.
- What to do if you have questions about this Monitor Update.

### 2. Late claims—what are they?

In order to be a part of the *Pigford* lawsuit—that is, to be eligible for adjudication under Track A or arbitration under Track B—each person must send to the Facilitator what is known as a Claim Sheet and Election Form. The Consent Decree in the lawsuit—the Consent Decree is the agreement that contains the terms of the settlement—set a deadline for filing the Claim Sheet and Election Form. This deadline was October 12, 1999. Any claim postmarked after October 12, 1999, is a late claim.

### 3. Some late claims were allowed

In some cases, it was possible for a person to be a part of the lawsuit even if his or her claim was filed late. The Consent Decree allowed a person to be a part of the case if the person could show that his or her failure to submit a claim on time was "due to extraordinary circumstances beyond his [or her] control."<sup>1</sup> The Court directed the Consent Decree's Arbitrator to decide whether the failure to file the claim on time was due to extraordinary circumstances beyond the claimant's control.

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<sup>1</sup> This language is found in section 5(g) of the Consent Decree.

#### **4. Judge's Order—deadline to request permission to file a late claim**

The Judge's July 14, 2000, Order set a deadline for submitting a written request to file a late claim. **That deadline was September 15, 2000.** In order to meet the deadline, the written request must have been postmarked by Friday, September 15, 2000. The Judge has ordered that no extension of this deadline will be allowed for any reason.

#### **5. How late claims were allowed**

Three important rules applied when a claimant filed a late claim.

First, the claimant must have filed with the Claims Facilitator a **written** request for permission to file a late claim.

Second, the written request had to explain the extraordinary circumstance or circumstances beyond the claimant's control that prevented the claimant from filing a Claim Sheet and Election Form on time.

Third, the Arbitrator's decision on this matter is final. There is no Monitor review of the Arbitrator's decision regarding whether or not a late claim is allowed.

#### **6. After the Arbitrator decides about the late claim**

If the Arbitrator decides that the claimant **was** prevented from filing a timely Claim Sheet and Election Form due to extraordinary circumstances beyond the claimant's control, the claimant is eligible to file a Claim Sheet and Election Form to participate in the lawsuit.

If the Arbitrator decides that the claimant **was not** prevented from filing a timely Claim Sheet and Election Form because of extraordinary circumstances beyond the claimant's control, that claimant is not eligible for either Track A Adjudication or Track B Arbitration.

#### **7. Reconsideration of the Arbitrator's denial**

The Arbitrator has established a limited reconsideration policy. When the Arbitrator denies a request for permission to file late, he sends a letter to the claimant. This letter will explain the Arbitrator's policy for reconsidering the request to file late.

#### **8. If the Arbitrator decides in favor of claimant—60 days to file a claim form**

If the Arbitrator grants a claimant's request to file a late claim, the claimant will receive a Claim Sheet and Election Form from the Claims Facilitator. The Claim Sheet and Election Form must be filled out and signed by an attorney, and it must be postmarked no later than 60 days from the date of the cover letter that accompanies the Claim Sheet and Election Form. No extension of this 60-day period will be granted for any reason.

#### **9. More information**

Anyone who has questions regarding late claims should feel free to call the Facilitator toll-free at 1-800-646-2873.