

Monitor Update: Cured Defective Claims

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Update 002

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Cured Defective Claims

1. Introduction

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

The Order directs 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 Order sent to you, please call the Monitor's office at 1-877-924-7483.

This update sets out to explain:

- The October 12, 1999, deadline for filing a claim.
- What defective claims are.
- How the October 12, 1999, deadline affects the cure of defective claims.
- The deadline for curing defective claims
- How to get more information from the Monitor.

2. The October 12, 1999, deadline for filing a claim

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 frames 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 therefore a late claim.

3. Defective claim sheet and election forms—sent back and returned

Many people sent in their Claim Sheet and Election Form on time—but failed to fill out the form completely, or made a mistake in filling out the form. For example, some people simply forgot to sign the claim form. In this case, the Facilitator notified the person of a problem with the way the Claim Sheet and Election Form was filled out, and asked the person to fix the problem.

a. Corrected form returned—by the October 12, 1999, deadline

If the person returned the corrected claim form to the Facilitator by the October 12, 1999, deadline, there was no problem. These people became claimants who are eligible for a Track A adjudication or a Track B arbitration.

b. Corrected form returned—after October 12, 1999, deadline

Many people, however, returned the corrected claim form to the Facilitator but did not do so until after the October 12, 1999, deadline. Until the Judge issued his recent Order, there had been a question as to whether these people would become claimants who are eligible for a Track A adjudication or a Track B arbitration. The Judge's Order settles this question. People who filed on time and then corrected their Claim Sheet and Election Form and submitted the correction to the Facilitator will be considered to have filed and completed their forms on time—even if they submitted the correction after the October 12, 1999, deadline.

4. Deadline for correcting defective claim sheet and election forms—July 14, 2000

The Judge's new Order sets a deadline for correcting defective Claim Sheets and Election Forms. As a result of the Judge's Order, a defective claim that was corrected by July 14, 2000, will be treated as if it was filed on time. In other words, if a person sent in a timely Claim Sheet and Election Form that was defective, the Facilitator asked that the form be corrected, and the person then corrected the defective claim form, that correction must have been postmarked by **July 14, 2000**. If the correction was not postmarked by then, the person is not a claimant and is not eligible for Track A adjudication or Track B arbitration.

5. If the Claim Sheet and Election Form were not corrected by July 14, 2000

A person who did not file a corrected Claim Sheet and Election Form by July 14, 2000, may, in "extraordinary circumstances," still have a chance to participate in the settlement. In order to do so, the person will need to file a written request for permission to file a late claim. Permission will be granted only in cases in which the Arbitrator determines that the need to file late was caused by extraordinary circumstances that were beyond the person's control. Please note that the deadline for submitting written requests for permission to file a late claim is **September 15, 2000**. The process for filing written requests for permission to file a late claim is described in Monitor Update #1: Late Claim Deadline. To get a copy of Monitor Update #1, call the Monitor's office toll-free at 1-877-924-7483.

6. More Information from the Monitor

Anyone who has questions regarding the problem of curing defective claims should feel free to call the Facilitator toll free at 1-800-646-2873 or the Monitor toll-free at 1-877-924-7483.