

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY C. PIGFORD, et al.,
Plaintiffs,

v.

MIKE JOHANNNS, Secretary,
The United States Department
of Agriculture,
Defendant.

Civil Action No. 97-1978 (PLF)

CECIL BREWINGTON, et al.,
Plaintiffs,

v.

MIKE JOHANNNS, Secretary,
The United States Department
of Agriculture,
Defendant.

Civil Action No. 98-1693 (PLF)

MONITOR'S INTERIM FOLLOW-UP REPORT
ON AMENDED ADJUDICATOR DECISIONS

I. Purpose of Report

On April 7, 2006, the Monitor filed a Monitor's Report on Amended Adjudicator Decisions. On August 7, 2006, this Court issued a Memorandum Opinion and Order ("August 7 Order") requiring the Monitor to investigate and provide to the Court by December 15, 2006, a further report containing such information as the Monitor deems appropriate to fully apprise the Court of the circumstances involved in the amendment of claim decisions when the amendment was not authorized by the Consent Decree and the amendment affected the class members' cash

and/or debt relief. The August 7 Order further directed that by December 15, 2006, the Monitor is to attempt to resolve with the parties certain potential problems and to provide to the Court a report regarding the resolution of those problems and the Monitor's recommendations regarding unresolved matters.

II. Status of the Monitor's Efforts

The Monitor requested from the Facilitator extensive information about the eighty-four Adjudicator decisions in which amended decisions had been issued (twenty-three substantive amendments and sixty-one technical amendments) and requested information from USDA about a subset of the eighty-four claims in which the amendment affected debt relief. Both the Facilitator and USDA cooperated in responding to the Monitor's initial information requests. After the Monitor and her staff analyzed the information, the Monitor requested further information from both entities. Again, both entities cooperated in providing information to the Monitor. The Monitor has requested further information from both the Facilitator and USDA; the Monitor expects to receive the additional information in the next few weeks.

The process of data collection and analysis has been time-consuming. For each of the eighty-four claims, the Monitor and the parties must understand the effect of the amendment on the claim before an attempt to resolve any problems that may have been caused by the amendments can begin.

The documents and key information regarding claims that the Monitor obtained from the Facilitator has been shared with the parties. The Monitor has begun discussions with the parties regarding solutions for any problems arising from amended decisions that changed cash relief and/or debt relief. The Monitor is working with USDA to gain an understanding of what debt

relief was provided in cases in which the amendments affected debt relief. The Monitor is working with the Facilitator to gather information about amendments in the eligibility process.

III. Recommendations

The Monitor recommends that the Court order the Monitor to file a progress report regarding this matter by January 17, 2007. The Monitor anticipates that by that date, she will have significant progress to report regarding the tasks assigned to her in the August 7 Order.

Dated: December 14, 2006.

Respectfully submitted,

s/Randi Ilyse Roth
Randi Ilyse Roth
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