

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 20 1999

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

TIMOTHY C. PIGFORD, et al.,

Plaintiffs,

v.

DAN GLICKMAN, SECRETARY,
THE UNITED STATES DEPARTMENT
OF AGRICULTURE,

Defendant.

Civil Action No.
97-1978 (PLF)

CECIL BREWINGTON, et al.,

Plaintiffs,

v.

DANIEL R. GLICKMAN,

Defendant.

Civil Action No.
98-1693 (PLF)

ORDER

The Consent Decree in these consolidated matters was entered on April 14, 1999. Paragraph 5(c) of the Decree requires that applications for class membership were required to be post-marked not later than October 12, 1999. Persons who believe that they satisfy the requirements for membership in the Pigford-Brewington class but who failed to submit a completed claim package by October 12 may petition the court for permission to participate in the claims resolution procedures available under the Decree. Such a petition may only be granted "where the claimant demonstrates that his failure to submit a timely claim was due to extraordinary circumstances beyond his control." See Consent Decree ¶ 5(g).

The Court has been advised by class counsel that several hundred putative class members who did not submit completed claim forms that were post-marked by October 12, 1999 intend to utilize the § 5(g) process. The Court has determined that it would be more efficient and expeditious for the Arbitrator to determine, on a case-by-case basis, whether these putative class members can demonstrate that their failure to submit timely claim forms "was due to extraordinary circumstances beyond [their] control" than if this Court were to make each of those those determinations. Accordingly, it hereby is

ORDERED that the Court's authority to determine whether a class member's petition under § 5(g) of the Consent Decree shall be granted is hereby delegated to the Arbitrator. It further is

ORDERED that all petitions under § 5(g) of the Consent Decree shall be postmarked not later than January 30, 2000 and submitted directly to the Arbitrator (and without copies to the Court) at the following address:

Michael K. Lewis
1666 Connecticut Ave., N.W.
Suite 500
Washington, D.C. 20009-1039

DATED: 12/20/99



UNITED STATES DISTRICT JUDGE