

NEW FILE PIGFORD ORDERS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
MAR 01 2000
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Order on post 2/4

TIMOTHY PIGFORD, et al.,

Plaintiffs,

v.

DAN GLICKMAN, Secretary,
United States Department of Agriculture,

Defendant.

Civil Action No. 97-1978 (PLF)

CECIL BREWINGTON, et al.,

Plaintiffs,

v.

DAN GLICKMAN, Secretary,
United States Department of Agriculture,

Defendant.

Civil Action No. 98-1693 (PLF)

ORDER

The Court has before it the joint motion of defendant and Track B claimant John DeCoudreaux for a stay of arbitration. The parties suggest that an extension of time beyond that 150-day time limit for arbitration hearings set in ¶ 10(a) of the Consent Decree should be granted when both parties consent to the stay and when a stay would be in the interests of justice. The Court will grant the parties' motion, and will delegate authority to the Arbitrator, Michael Lewis, to make such a determination in the future with regard to similar motions.

The Consent Decree in these consolidated matters was entered on April 14, 1999. Paragraph 10(a) of the Decree requires that an evidentiary hearing be conducted no

more than 150 days from the date on which a hearing notice is sent to a class member who has elected to proceed under Track B. See Consent Decree ¶ 10(a). Only the Court has the authority to stay an arbitration or postpone an evidentiary hearing beyond the 150-day deadline. In instances where both parties agree to stay an arbitration or postpone an evidentiary hearing beyond the deadline and when it is within the interests of justice to do so, however, it would appear to be more appropriate and efficient to allow the Arbitrator to decide any motion for such relief. Accordingly, it is hereby

ORDERED that the joint motion of defendant and Track B claimant John DeCoudreaux for a stay of arbitration [259-1] is GRANTED; it is

FURTHER ORDERED that the Court's authority to stay arbitrations or postpone evidentiary hearing beyond the 150-day deadline imposed by ¶ 10(a) of the Consent Decree shall be delegated to the Arbitrator. Such authority is delegated only with regard to consent motions for such relief; and it is

FURTHER ORDERED that all such motions shall be submitted directly to the Arbitrator (and without copies to the Court) at the following address:

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

SO ORDERED.


PAUL L. FRIEDMAN
United States District Judge

DATE: 3/1/05

Copies to:

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