

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 14 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Civil Action No. 97-1978 (PLF) ✓

TIMOTHY PIGFORD, et al.,

Plaintiffs,

v.

ANN VENEMAN, Secretary,
United States Department of Agriculture,

Defendant.

CECIL BREWINGTON, et al.,

Plaintiffs,

v.

ANN VENEMAN, Secretary,
United States Department of Agriculture,

Defendant.

Civil Action No. 98-1693 (PLF)

ORDER

By Order of December 20, 1999, this Court delegated authority to the Arbitrator in this case, Michael K. Lewis, to decide all petitions by claimants seeking to late file under Section 5(g) of the Consent Decree. See also Order of November 26, 2001. Pursuant to that order, the Arbitrator continues to review petitions to late file as well as reconsider previously denied petitions, upon request of the claimant. See Arbitrator's Second Report on the Late-claim Petition Process, dated May 3, 2002.

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The Court now has before it an “Original Petition for Consideration in the Claims Resolution Process Due to Extraordinary Circumstances” (“Williams Petition”), filed by Darrell W. Williams, a putative member of the plaintiff class. The Court has directed the Clerk’s Office to accept the Petition for filing. In his submission to the Court, Williams states that he “has decided to petition the Court directly under section 5.g.[sic].” Because the Court has delegated to the Arbitrator the authority to decide petitions to late file, however, the Court cannot consider Mr. Williams’ request. See Order (December 20, 1999); Order (November 26, 2001). If Mr. Williams believes that he is entitled to late file under the terms of Section 5(g) of the Consent Decree -- and under its subsequent interpretation by the Court and the Arbitrator, see Order (December 20, 1999); Stipulation and Order (January 14, 2000); Arbitrator’s Report on the Late-Claim Petition Process (November 14, 2001); Order (November 26, 2001); Arbitrator’s Second Report on the Late-Claim Petition Process (May 3, 2002) ¹ -- he must submit his argument directly to the Arbitrator. The Court will not consider any such petition, either at the first instance or following denial and/or reconsideration by the Arbitrator. See Order (November 26, 2001) at 3-4. For these reasons, it is hereby


ORDERED that the Petition of Darrell W. Williams will not be considered by the Court; and it is

FURTHER ORDERED that Mr. Williams and all putative class members seeking permission to late file under Section 5(g) of the Consent Decree are directed to review the terms of that provision, as interpreted by the Court and the Arbitrator. If, having reviewed

¹ Many of these documents may be accessed on the District Court’s website at <http://www.dcd.uscourts.gov/district-court-recent.html>.

the requirements for eligibility under Section 5(g), petitioners believe that they are entitled to late file, petitioners must seek permission directly from the Arbitrator, Michael K. Lewis.

SO ORDERED.


PAUL L. FRIEDMAN
United States District Judge

Date: 5/10/02

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