

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| In re BLACK FARMERS DISCRIMINATION |) | Misc. No. 08-0511 (PLF) |
| LITIGATION |) | |
| |) | |
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MEMORANDUM OPINION AND ORDER

Since the issuance by the Claims Administrator of claims decisions in this case, the Court has received hundreds of letters and *pro se* motions from non-prevailing claimants who seek reconsideration of their claim determinations. The Court has determined that rather than allowing each of these pieces of correspondence to be filed on the docket, efficiency would be served by allowing a representative sample to be filed and by eliciting responses from both class counsel and the government.

Accordingly, the Court directs the attention of class counsel and the government to the *pro se* motions and, in some cases, letters, which now have been filed at docket numbers 390, 391, 392, 393, and 394. In each communication, a non-prevailing claimant has asked the Court to reconsider his or her claim determination. Some claimants have included supporting documentation with their motion or letter, such as the relevant page or pages from their claim form, or correspondence that they have sent to their members of Congress. Other claimants have not included such documentation, but the Court recognizes that both class counsel and the government can access these persons' claim forms through the Claims Administrator's database.

The claimants raise a number of grounds that, in their view, warrant reconsideration of their claim determinations. Many note that their claim was denied based on a determination that the claimant "failed to prove that [he or she] complained of discrimination to

an official of the United States Government on or before July 1, 1997, regarding USDA's treatment of [the claimant] in response to [his or her] application or constructive application." See, e.g., Clifford Daniels, 'Track A' Claim Determination Form, Explanation of Denied Claim [Dkt. No. 390]. Other claimants have complained of denials based on other criteria, such as the Claims Administrator's determination that he or she "failed to prove that [he or she] applied, or constructively applied, for a specific farm credit transaction at a USDA office between January 1, 1981, and December 31, 1996." See, e.g., Evelyn I. Dillard, 'Track A' Claim Determination Form, Explanation of Denied Claim [Dkt. No. 393]. In addition, some claimants have noted that they relied on the assistance of class counsel in preparing their claim forms, yet still were denied. See Letter from Evelyn I. Dillard to U.S. Senator Thad Cochran (Sept. 14, 2013) [Dkt. No. 393]. Many others have submitted one-page motions for reconsideration, modeled on a standard-form template, into which they have written their personal identifying information; a blank example of this motion has been included as an attachment to this Order.

Ultimately, regardless of the grounds on which any particular claim was denied or the specific issues raised by claimants in their correspondence, each disappointed claimant asks for the Court's review of the Claims Administrator's decision. The Court has determined that class counsel and the government should be afforded the opportunity to respond to these claimants' *pro se* motions and letters, and, further, that the Court would be assisted in deciding whether there are any available grounds for obtaining reconsideration of claim determinations by having the views of class counsel and the government.

Accordingly, it is hereby

To: Denied Black Farmers
Re: Motion to the Court

Take a stand and send a motion to the CLERK OF COURT, U.S. DISTRICT COURT, 333
CONSTITUTION AVENUE, NW, WASHINGTON, D.C. 20001

The following is a sample motion:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
DISTRICT OF COLUMBIA

CASE #1:08-MC-00511-PLF

MOTION TO PLEAD TO COURT TO ASK FOR RECONSIDERATION OF
MY CLAIM IN THE RE BLACK FARMERS DISCRIMINATION LITIGATION

NOW INTO COURT comes _____ a Claimant in the In
re Black Farmers Litigation, suggesting to the Court to reconsider my claim.
I respectfully request that the court grant me the opportunity to submit
evidence and pleadings.

Respectfully Submitted:

Name of Claimant
Address
Telephone #

ORDER

IT IS ORDERED, ADJUDGED AND DECREED that the above signed Claimant be
granted the opportunity to submit pleadings before the court.

THUS, READ, AND SIGNED IN _____, District of Columbia,
this _____ day of September, 2013.

Judge Paul L. Friedman
U.S. District Court for the
District of Columbia

Denied Black Farmers make those motions. Send them to the clerk's office and address above.
Have a blessed day.

