

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

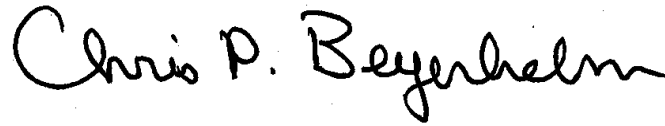
**Notice FLP-666**

1-FLP, 5-FLP

**For:** State and County Offices

**Status Update on *In re Black Farmers Discrimination Litigation Settlement (Pigford II)***

**Approved by:** Deputy Administrator, Farm Loan Programs



**1 Overview**

**A Background**

Food, Conservation, and Energy Act of 2008 (2008 Act), Section 14012 (Pub. L. 110-246), enacted on June 18, 2008, permits any *Pigford* claimant, who had not previously obtained a determination of the merits of their claim under the Consent Decree, judicial recourse in the U.S. District Court for the District of Columbia.

On February 18, 2010, USDA settled a lawsuit, *In re Black Farmers Discrimination Litigation*, (D.D.C.), also known as *Pigford II*, brought by African American farmers who filed according to the 2008 Act. The settlement established a class and created a nonadversarial, nonjudicial claims process under which claims could be resolved. On December 8, 2010, the President signed the Claims Resolution Act of 2010 (Pub. L. 111-291) into law, providing \$1.15 billion in funding for the settlement, in addition to the \$100 million allocated by the 2008 Act, for a total of \$1.25 billion. The finalized settlement was approved October 27, 2011, by the Federal Judge overseeing the litigation. The claims process began November 14, 2011, and ended May 11, 2012.

**B Purpose**

This notice provides:

- updates to FSA personnel on the status of the settlement
- contact information for inquiries that FSA offices may receive about *In re Black Farmers Discrimination Litigation Settlement (Pigford II)* cases.

Disposal Date	Distribution
July 1, 2014 2-14-14	State Offices; State Offices relay to County Offices

## Notice FLP-666

### 2 Update and Actions

#### A Status Update

All timely submitted claims have now been reviewed and decided by the Court-appointed Neutrals. On August 6, 2013, Class Counsel filed an Unopposed Motion for Approval of Distribution of Funds, which the Court granted on August 23, 2013. The Claim determination letters and checks for successful claims have been mailed or will be mailed shortly. Under the terms of the Settlement Agreement, all decisions are final, and there is no process for further review or appeal.

The National Office has informed the applicable States of claimants that received payments to reduce their loan indebtedness. FLOO has processed the payments on those accounts.

#### B Servicing Actions

The National Office will review the programmatic discrimination clearances submitted under 1-FLP, subparagraph 41 H, that were placed on hold because of Pigford II, and notify the applicable States whether the borrower was or was not a claimant.

IF a borrower is determined...	THEN the...
to be a claimant	account will be serviced as a closed claim according to 1-FLP, Exhibit 13.5.
not to be a claimant	servicing of the account will continue and the County Office will send, through the State Office, an updated National Office programmatic clearance request according to 1-FLP, subparagraph 41 H.

### 3 Contact Information

#### A State and County Offices

If there are questions about this notice:

- County Offices shall contact the State Office
- State Offices shall contact any of the following:
  - Craig Nehls by e-mail at [craig.nehls@wdc.usda.gov](mailto:craig.nehls@wdc.usda.gov)
  - Jenny Breece by e-mail at [jenny.breece@wdc.usda.gov](mailto:jenny.breece@wdc.usda.gov)
  - Rick Stewart by e-mail at [rick.stewart@wdc.usda.gov](mailto:rick.stewart@wdc.usda.gov).

### 3 Contact Information (Continued)

#### B Individuals or Denied Claimants

Individuals contacting USDA personnel for information about the settlement and the claims process should be advised using the following language.

Thank you for your inquiry [*Mr./Mrs./Miss*\_\_\_\_\_]. It appears your inquiry pertains to the *In re Black Farmers Discrimination Litigation Settlement*.

It would be inappropriate for USDA to provide any assistance, advice, or counsel to persons about the settlement. If you have questions about the settlement or payment under the settlement, we recommend you contact the Black Farmers Claims Administrator by using the following:

- telephone at 1-877-810-8110 (toll free phone number)
- web site at **[www.blackfarmercase.com](http://www.blackfarmercase.com)**
- e-mail to **[Questions@BlackFarmerCase.com](mailto:Questions@BlackFarmerCase.com)**.

You may also contact the *In re Black Farmers* Ombudsman at 1-866-686-8682 or **[www.inreblackfarmersombudsman.com](http://www.inreblackfarmersombudsman.com)** for additional information.

Copies of the settlement agreement may be obtained at **<https://www.blackfarmercase.com/Documents.aspx>**.

#### C Media

Members of the media should be referred to Charles Miller, DOJ, at either of the following:

- e-mail at **[charles.s.miller@usdoj.gov](mailto:charles.s.miller@usdoj.gov)**
- telephone at 202-514-2007.