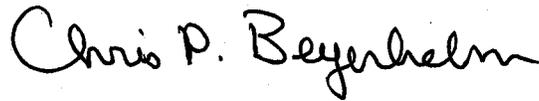


For: State and County Offices

**Future FLP Loanmaking and Loan Servicing for Prevailing Claimants in
Keepseagle v. Vilsack Class Action Lawsuit**

Approved by: Deputy Administrator, Farm Loan Programs



1 Overview

A Background

A settlement agreement was signed on October 29, 2010, to resolve the *Keepseagle v. Vilsack* class action lawsuit, and final approval was provided by the court on April 11, 2011. The claims process period began on June 29, 2011, and ended on December 27, 2011.

The claims administrator has provided the names of all *Keepseagle v. Vilsack* prevailing and nonprevailing claimants to DAFLP. DAFLP has provided a spreadsheet to all SED's that includes a list of all prevailing claimants with debt relief.

Under the settlement agreement there were 2 tracks of potential relief available, as follows.

- Track A consists of claimants who met the class definition and provided evidence of their claimed discrimination. During the week of August 27 through 31, 2012, Track A prevailing claimants received an award of \$50,000 with an additional payment of \$12,500 to offset potential tax liability.
- Track B consists of claimants who met the class definition and had documentary proof establishing each required element of their claimed discrimination. Track B prevailing claimants had to prove actual damages within a cap of a maximum of \$250,000 per individual.

Additionally, prevailing Track A and B claimants, who claimed and had outstanding USDA FLP debt, received:

- debt forgiveness for eligible program debts
- payment to IRS to offset potential tax liability on the debt forgiveness amount.

Disposal Date	Distribution
August 1, 2013	State Offices; State Offices relay to County Offices

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1 Overview (Continued)

B Purpose

This notice:

- clarifies eligibility for future loans and loan servicing for prevailing claimants who received debt forgiveness, including all individuals liable on the promissory note regardless of their status as a prevailing or nonprevailing claimant
- obsoletes Notice FLP-628.

2 Future Loanmaking and Loan Servicing

A Debt Forgiveness

Prevailing *Keepseagle* claimants who have received debt relief will be eligible for future loans and loan servicing. If a prevailing *Keepseagle* claimant with debt relief is a primary borrower, co-borrower, cosigner, or entity member, all liable parties on the promissory notes were released of liability for the loans whether or not they were prevailing or nonprevailing claimants and all are eligible for future loans and loan servicing. This includes any debt forgiveness on eligible loans that occurred before the *Keepseagle* Settlement Agreement signed on October 29, 2010. Eligible loans consist of EE's, EM's, FO's, and OL's.

Each State was provided a spreadsheet of all prevailing claimants. Until a database is established for County Offices to verify that debt relief was because of the *Keepseagle* Settlement Agreement, County Offices should contact State Office FLP to verify the information. If State Office FLP is unable to verify the information, then contact either of the following:

- Craig Nehls by e-mail to craig.nehls@wdc.usda.gov
- Jenny Breece by e-mail to jenny.breece@wdc.usda.gov.

B OL and FO Term Limits

Loans received by prevailing claimants will count toward their OL and FO term limits according to 3-FLP, including loans that received debt forgiveness.

C Creditworthiness on Future Loan Applications

Loans that received debt forgiveness because of the *Keepseagle* Settlement Agreement will not be considered when evaluating the applicant's creditworthiness for future loan applications.

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3 Servicing Actions

A State Office Action

State Offices shall review the *Keepseagle* prevailing claimants and notify County Offices of the prevailing claimants for their service area.

B County Office Action

County Offices shall continue to:

- service prevailing claimants, including others parties liable on loans with debt according to 1-FLP, Exhibit 13.5
- process loan applications for prevailing claimants and other parties that were associated with debt forgiveness
- process subordination applications for prevailing claimants and other parties that were associated with the debt forgiveness that still have remaining debt.

4 Contacts

A State and County Offices

If there are questions about this notice:

- County Offices shall contact the State Office
- State Offices shall contact either of the following:
 - Craig Nehls by e-mail at craig.nehls@wdc.usda.gov
 - Jenny Breece by e-mail at jenny.breece@wdc.usda.gov.

B Individuals, Media, or Denied Claimants

Individuals or representatives of the media 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 Native American Settlement Agreement for the *Keepseagle* litigation.

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 *Keepseagle* Class Counsel and Administrator by using the following:

- telephone 1-888-233-5506 (toll free phone number)
- website at www.indianfarmclass.com
- e-mail to questions@indianfarmclass.com.

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