

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

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In re BLACK FARMERS DISCRIMINATION)
LITIGATION)
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)
)

Misc. No. 08-mc-0511

(PLF))
)
This document relates to:)
)
ALL CASES)
_____)

**DEFENDANT’S OPPOSITION TO PLAINTIFFS’
MOTION TO FURTHER MODIFY FINAL ORDER AND JUDGMENT**

Section V.A.8. of the Revised Settlement Agreement entered in this case provides that “[t]he Class Membership Determinations, Claims Determinations, and any other determinations made under this Section are final and not reviewable by the Claims Administrator, the Track A Neutral, the Track B Neutral, the Court, or any other party or body, judicial or otherwise.” Revised Settlement Agreement § V.A.8. at 18 ECF No. 161-3. Plaintiffs concede that the Claims Administrator made class membership determinations for the individuals on whose behalf plaintiffs have filed this motion and that the Court cannot review those decisions. Pls’ Mot. to Further Modify Final Order and Judgment & Mem. in Supp., ECF No. 360, at 2-3. In order to overcome the finality of the Claims Administrator’s eligibility determinations, plaintiffs seek an order further modifying the final order and judgment to permit certain individuals to have “their claim form reviewed on the merits by the Neutral.” *Id.* But, the express terms of the Revised Settlement Agreement bar this Court from considering appeals of the Claims Administrator’s eligibility determinations. Because that is the relief plaintiffs’ motion

seeks, the Court has no choice but to deny the motion.¹ For this reason, the United States respectfully requests that the Court deny plaintiffs' motion.

Dated: May 29, 2013

Respectfully submitted,

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¹ Granting plaintiffs' proposed order would be inconsistent with the decision in *Keepseagle v. Vilsack*, No. 1:99cv3119, ECF No. 633 (D.D.C. Dec. 28, 2012), which denied plaintiffs' motion to review the determinations by the Claims Administrator or the Track A or B neutrals that specific class member claims were, among other things, untimely, defective or incomplete.