

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
)  
)  
**In re BLACK FARMERS DISCRIMINATION**  
**LITIGATION**  
)  
)

Misc. No. 08-mc-0511 (PLF)

\_\_\_\_\_  
)  
**This document relates to:**  
)  
**ALL CASES**  
)  
)  
\_\_\_\_\_

~~**[PROPOSED]**~~ **ORDER**

Upon consideration of Lead Class Counsel’s Motion to Further Modify Final Order and Judgment and Memorandum in Support, and the entire record herein, it is hereby

ORDERED that the Order and Judgment entered by the Court on October 27, 2011 (Docket No. 231), as amended by the Settlement Orders entered by this Court on September 14, 2012 (Docket No. 304) and February 14, 2013 (Docket No. 346), be and hereby is further amended by revising Sections V.A.3, V.A.4, V.E.11, and and V.E.12 of the Settlement Agreement to include the italicized language set forth below:

Section V.A.3:

In the case of a Claimant who is deceased, the legal representative of the Claimant’s estate may submit a claim on the Claimant’s behalf. If there is no legal representative, any other individual who asserts a right to be the legal representative of the Claimant’s estate may submit a claim on the Claimant’s behalf. If there is no legal representative and more than one individual submits a claim on behalf of the Claimant, a Track A Neutral or Track B Neutral designated by the Claims Administrator shall decide which of the individuals is entitled to pursue the claim on the Claimant’s behalf. If the Claimant prevails, and a legal representative for the Claimant’s estate has not yet been appointed, the Claimant’s award shall be held *until December 15, 2014* in a separate account established by Class Counsel for the benefit of the estate until a legal representative to whom the funds may be disbursed is appointed. If the Claims Administrator *receives proof on or before December 15, 2014* that a probate petition is pending in the appropriate Court *or that other appropriate steps have been taken to obtain the*

*appointment of a legal representative of the estate, the Claims Administrator shall continue to hold such funds in the separate account until the earlier of (a) the date the Claims Administrator receives documentation that a legal representative to whom the funds may be disbursed is appointed for the estate or (b) March 31, 2015.*

Section V.A.4:

In the case of a Claimant who is unable to submit a claim on his or her own behalf due to a physical or mental limitation, the Claimant's legal representative may submit a claim on the Claimant's behalf. If there is no legal representative, any other individual who asserts a right to be the legal representative may submit a claim on the Claimant's behalf. . . . If the Claimant prevails, and a legal representative for the Claimant has not yet been appointed, the Claimant's award shall be held *until December 15, 2014* in a separate account established by Class Counsel for the benefit of the estate until a legal representative to whom the funds may be disbursed is appointed. If the Claims Administrator *receives proof on or before December 15, 2014* that a petition for appointment of a legal representative for the Claimant is pending in the appropriate Court *or that other appropriate steps have been taken to obtain the appointment of a legal representative of the Claimant, the Claims Administrator shall continue to hold such funds in the separate account until the earlier of (a) the date the Claims Administrator receives documentation that a legal representative to whom the funds may be disbursed is appointed or (b) March 31, 2015.*

Section V.E.11:

All checks distributed under this Section will be valid for 180 calendar days from the date of issue. *In its discretion, the Claims Administrator may reissue checks that have not been negotiated within 180 calendar days of issue. In no event will the Settlement Administrator issue any checks that will be valid after May 31, 2015. The funds corresponding to any check that has not been negotiated as of June 1, 2015 shall remain in the Designated Account if Appendix 1 Section I.A.3 applies . . . .*

Section V.E.12:

If a Class Member who is deceased or was unable to submit a claim on his or her own behalf due to a physical or mental limitation prevails, and a legal representative has not yet been appointed for the Class Member, the funds payable to the Class Member shall be held in a separate account established by Class Counsel for the benefit of the Class Member *until December 15, 2014; provided, however, that if the Claims Administrator receives proof on or before December 15, 2014 that a probate petition is pending in the appropriate Court or that other appropriate steps have been taken to obtain the appointment of a legal representative, the Claims Administrator shall continue to hold such funds in the separate account until the earlier of (a) the date the Claims*

*Administrator receives documentation that a legal representative to whom ... be disbursed is appointed for the estate or (b) March 31, 2015. Any estate claimants mentally or physically limited claimants who have not submitted to the Claims Administrator proof of the appointment of an appropriate legal representative by May 31, 2015 shall forfeit the right to collect settlement funds under the Settlement Agreement.*

In all other respects, the Order and Judgment as previously entered and modified by the Court shall remain in full force and effect.

SO ORDERED.



PAUL L. FRIEDMAN  
United States District Judge

Date: September 17 2014