

Feb. 25, 1999

52,961 C

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**52,961 C**

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TIMOTHY PIGFORD, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 DAN GLICKMAN, Secretary, )  
 United States Department of Agriculture, )  
 )  
 Defendant. )

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Civil Action No. 97-1978 (PLF)

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CECIL BREWINGTON, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 DAN GLICKMAN, Secretary, )  
 United States Department of Agriculture, )  
 )  
 Defendant. )

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Civil Action No. 98-1693 (PLF)

ORDER

On January 5, 1999, the Court consolidated these two cases and preliminarily approved a consent decree. Because a class has been certified and the parties have agreed to the terms of a settlement, the Court must determine whether the settlement is fair before approving it. See Rule 23(e), Fed. R. Civ. P.; Thomas v. Albright, 139 F.3d 227, 233 (D.C. Cir.), *cert. denied*, 119 S.Ct. 576 (1998). Members of the class were notified that the Court has certified a class and were informed of the terms of the settlement agreement. Class members also were notified that objections to the proposed settlement by any class member would be considered by the Court if

filed by February 15, 1999. Finally, the Court scheduled a fairness hearing for March 2, 1999 at 10:00 a.m. in Courtroom No. 20.

The Court now has received seventeen written objections to and/or comments on the consent decree. A number of the people who submitted written comments have requested an opportunity to speak at the fairness hearing. It appears that some of the written objections may have been submitted by individuals who are not class members and do not represent class members. If those individual or entities are not class members and do not represent class members, they have no apparent interest in the fairness of the settlement and no standing to object to its terms. Any others who have filed written objections will be afforded an opportunity to present their objections or comments at the fairness hearing.

One group has requested leave to present evidence and expert testimony on the fairness of the proposed settlement. The Court finds that the presentation of evidence and expert testimony would not assist it in determining whether the proposed settlement is fair, and the Court therefore will deny the request to present evidence and expert testimony. See Mars Steel Corn v. Continental Illinois Nat. Bank & Trust Co., 834 F.2d 677, 684 (7th Cir. 1987). Accordingly, it is hereby

ORDERED that the following persons or entities are deemed to have timely filed their objections: Dr. Joseph Lowery of the Coordinating Council of Black Farm Groups; Mr. Marcus Jimison of the Land Loss Prevention Project; Mr. Gregory Smitman of the National Council of Community Based Organizations in Agriculture; Mr. Philip Haynie of the National Black Farmers Assoc.; Mr. Vernon Breckinridge of the Oklahoma Black Farmers; Mr. Thomas Burrell of the Concerned Black Farmers; Mr. John Boyd of the National Black Farmers Assoc.;

Mr. Lawrence C. Lucas of the USDA Coalition of Minority Employees; Mr. Timothy Pigford; Mr. Roy Rolle; Ms. Estell Green, Jr.; Mr. Theodore F. Bates; Mr. Leonard Cooper; Ms. Amelia Roland Washington; Mr. Jerome Williams; Mr. George Hildebrandt; and Mr. Jessie Nimmons; and it is

FURTHER ORDERED that for each written objection listed above, a representative or representatives, will be allotted time to orally present the objections at the hearing. Time will be allotted as follows: if the objection listed above was filed by an organization or organizations that represents class members, the organization or organizations that filed that objection (or their counsel) will be allotted fifteen (15) minutes; if the objection was filed by an individual class member or members (or by counsel), he or she will be allotted five (5) minutes to present objections. A schedule of presentations will be posted on the morning of the hearing.

SO ORDERED.

DATE:

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PAUL L. FRIEDMAN  
United States District Judge