

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY C. PIGFORD, *et al.*

Plaintiffs,

v.

ANN M. VENEMAN

Defendant.

CECIL BREWINGTON, *et al.*

Plaintiffs,

v.

ANN M. VENEMAN

Defendant.

FILED

MAR 24 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Civil Action
No. 97-1978 (PLF) ✓

Civil Action
No. 98-1693 (PLF)

STIPULATION AND ORDER

WHEREAS, the United States Court of Appeals for the District of Columbia Circuit determined, in an opinion dated June 21, 2002, that the Track B claims of certain class members have been compromised by the "virtual malpractice" of class counsel, see Pigford v. Veneman, 292 F.3d 918 (D.C. Cir. 2002), and

WHEREAS such class members are entitled to have the Track B deadlines reset from the point at which the "virtual malpractice" occurred, id. 292 F.3d at 927, and

WHEREAS an order resetting Track B deadlines due to class counsel's "virtual malpractice" should

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both return the parties "as nearly as possible to where they would have been absent counsel's failures," and preserve for defendant "the benefit of the consent decree's tight deadlines," *id.* 292 F.3d at 927, and

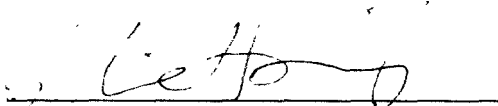
WHEREAS Edith Frazier is a class member whose Track B claim was compromised by the "virtual malpractice" of the class counsel law firm of Chestnut, Sanders, Sanders, Pettaway, Campbell & Albright, L.L.C. ("Chestnut Sanders"),


NOW, THEREFORE, Ms. Frazier and defendant hereby agree and stipulate as follows:

1. Chestnut Sanders committed "virtual malpractice" in its representation of Edith Frazier in her claim under Track B of the Consent Decree entered in these consolidated actions. Chestnut Sanders' "virtual malpractice" commenced after the parties filed their witness lists and hearing exhibits pursuant to ¶ 10(b) of the Consent Decree, but prior to the conclusion of the period provided by ¶ 10(c) & (d) within which the parties were entitled to depose their opponent's witnesses.

2. The Consent Decree Arbitrator shall schedule a hearing on Ms. Frazier's Track B claim for a date not more than 75 days after he issues a ruling on Defendant's Motions to Dismiss. Each party shall have until 45 days before the hearing to depose her opponent's witnesses. Thereafter, the deadlines mandated by ¶ 10(e)-(g) shall govern the proceedings in Ms Frazier's Track B claim.

3. The Consent Decree Arbitrator shall decide Defendant's Motions to Dismiss Ms. Frazier's claim in a timely fashion.


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It is so ORDERED.

Date: 3/24/03


UNITED STATES DISTRICT JUDGE