

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. 08-0511 (PLF)

MEMORANDUM OPINION AND ORDER

On September 3, 2015 and November 19, 2015, the Court issued Memorandum Opinions and Orders [Dkt. 430, 438] directing the parties to file memoranda of law addressing certain issues concerning the cy pres provision of the Settlement Agreement in this case [Dkt. 170-2 (May 13, 2011), 231 (Oct. 27, 2011), as modified by Dkt. 405 (Apr. 7, 2014)]. Upon consideration of the written submissions of the parties and amicus curiae Competitive Enterprise Institute's Center for Class Action Fairness, the relevant case law, and the entire record in this case, the Court has determined that it should enforce the cy pres provision of the Settlement Agreement as modified, Section V.E.13 [Dkt. 405]. An Opinion explaining the Court's reasoning with respect to the parties' positions will be issued in due course. Accordingly, it is hereby

ORDERED that the Court will enforce the cy pres provision of the Settlement Agreement as modified, Section V.E.13, [Dkt. 405] pursuant to its express terms; it is

FURTHER ORDERED that class counsel should begin the process of identifying potential cy pres beneficiaries as contemplated by Section V.E.13, giving thought to how the process can (1) be as transparent as possible, and (2) involve the parties and the Court or its designated agents in assuring that the necessary due diligence is done with respect to the background and appropriateness of potential cy pres beneficiaries; and it is

FURTHER ORDERED that class counsel and the government are specifically directed not to file anything further with respect to this issue until the Court orders them to do so.

SO ORDERED.

/s/

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PAUL L. FRIEDMAN  
United States District Judge

DATE: April 8, 2016