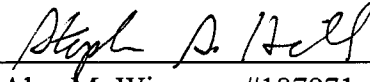


Respectfully submitted,



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Date: January 14, 2003

prompted by the Court's December 2, 2002 Memorandum Opinion and accompanying Order. That procedural activity has been thoroughly summarized in various recent filings and need not be reiterated here. Suffice it to say that, during the December 18, 2002 status conference, the Court indicated its willingness to permit plaintiffs class discovery and plaintiffs indicated their desire to avail themselves of such discovery. Accordingly, plaintiffs request that the stay on discovery be lifted.

To facilitate the class discovery and to provide an orderly procedure for its completion and the subsequent filing of additional supplemental memoranda, plaintiffs have proposed an order to govern class discovery and the filing of supplemental memoranda regarding class certification. The order provides for approximately seven months for initial class discovery,¹ followed by the exchange of expert reports, expert discovery and further briefing. The Order also provides for time for the Court to rule upon the motion for class certification and to provide for merits discovery prior to the scheduled commencement of trial which the Order sets for September 1, 2004.

With respect to the request that the Court enter an order requiring defendant to preserve documents and other tangible things, plaintiffs assert, as they stated in their November 15, 2002 Motion to Lift the Stay on Discovery, that plaintiffs have reason to believe that USDA is still destroying documents, notwithstanding the pendency of this and related law suits. As previously noted, while the Court has expressed concern about the destruction of documents and USDA has issued a directive purporting to proscribe the destruction of credit documents, the Court has not entered an order requiring defendant to preserve documents. Plaintiffs request that the Court

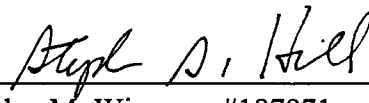
¹ In light of the conceded deficiencies in defendant's computerized central databases and the resulting need to obtain discovery from Farm Service Agency field offices, as well as Department of Agriculture headquarters, the proposed order provides reasonable limitations on the number of depositions to be taken and the number of interrogatories to be served. In that connection, as plaintiffs made clear in the June 24, 2002 in-chambers status conference, because plaintiffs' counsel are, in the first instance, bearing the cost of this litigation, they have no incentive to engage in any more discovery than is necessary.

enter such an order so that there can be no doubt with respect to the Court's ability to invoke its contempt powers and other sanctions in the event that defendant continues to destroy documents.

CONCLUSION

Accordingly, for the foregoing reasons, plaintiffs request that the Court lift the stay on discovery, enter the proposed discovery plan and enter an order requiring defendant to preserve all conceivably relevant documents until further order of the Court.

Respectfully submitted,



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Date: January 14, 2003

3. Further Briefing By The Parties.
 - a. Plaintiffs may file a supplemental memorandum in support of their motion for class certification on December 15, 2003.
 - b. Defendant may file a supplemental memorandum in opposition to plaintiffs' motion for class certification on January 15, 2004.
 - c. Plaintiffs may file a supplemental reply memorandum on January 22, 2004.
4. Any discovery disputes are to be presented, in the first instance, by telephone conference with the Court, and not by motion.

It is further

ORDERED that defendant shall preserve all documents and tangible things, as those terms are defined in Rule 34 of the Federal Rules of Civil Procedure, that are conceivably relevant to any issue in this case until further order of the Court.

Trial in this matter shall commence on September 1, 2004.

SO ORDERED this _____ day of January 2003.

James Robertson
United States District Judge

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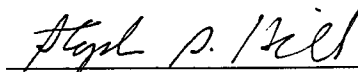
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs Motion To Lift The Stay On Discovery, To Adopt A Discovery Plan, To Require Defendant To Preserve All Conceivably Relevant Documents And Tangible Things During the Pendency Of This Case was served by hand delivery, this 14th day of January, 2003 upon the following:

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Stephen S. Hill