

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|--|------------------------------|
| _____) | |
| GUADELUPE L. GARCIA, JR., et al.) | |
|) | |
| Plaintiffs,) | |
|) | |
| v.) | Civil Action No. 1:00CV02445 |
|) | Judge Robertson |
|) | |
| ANN M. VENEMAN, Secretary of the) | |
| United States Department of Agriculture,) | |
|) | |
| Defendant.) | |
| _____) | |

**DEFENDANTS' RESPONSE TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

In accordance with Rule 33 of the Federal Rules of Civil Procedure and the oral order of the Court made at the status conference held April 29, 2003, Defendant Ann M. Veneman, Secretary of the United States Department of Agriculture, hereby states her objections and responds to the Plaintiffs First Set of Interrogatories ("Interrogatories") as follows:

GENERAL STATEMENT AND OBJECTIONS

Defendant makes the following general objections, whether or not separately set forth, in response to each of the Interrogatories, and to the instructions and definitions thereto:

1. Defendant makes the following objections to the plaintiffs' Interrogatories, and the instructions and definitions thereto, subject to, without intending to waive, and expressly preserving any objections as to competency, relevancy, materiality and admissibility of any of the information to be provided. Defendant further reserves the right to object to other discovery requests involving or relating to the subject matter of the current Interrogatories, and reserves all other rights and privileges to which she is entitled under the Federal Rules of Civil Procedure and

the Local Rules.

2. Defendant objects to the Interrogatories to the extent that they purport to call for the disclosure of information that contains privileged attorney-client communications, constitutes attorney work product, discloses the mental impressions, conclusions, opinions or legal theories of any attorneys or other representatives of the United States Department of Agriculture (“USDA”) or the United States, was prepared in anticipation of litigation, or is otherwise protected from disclosure under the deliberative process privilege, the law enforcement privilege, the investigative files privilege, the national security privilege, the confidential informant privilege, or any other applicable privilege, law or rule. Information hereafter provided in response to the plaintiffs' Interrogatories will not include information protected by the aforementioned privileges or doctrine, and inadvertent provision of same shall not be deemed a waiver of such privilege or doctrine.

3. Defendant objects to the Interrogatories to the extent that they seek any information that is (a) unreasonably cumulative or duplicative; (b) already in plaintiffs' possession; (c) obtainable from some other source that is more convenient, less burdensome, or less expensive; (d) publicly available; and/or (e) otherwise available to the plaintiffs.

4. Defendant objects to the plaintiffs' Interrogatories, and the instructions and definitions thereto, to the extent they are vague, unworkable, or unduly burdensome in that they purport to impose obligations beyond those established by the Federal Rules of Civil Procedure and the Local Rules of this Court.

5. Defendant objects to the plaintiffs' Interrogatories, and the instructions and definitions thereto, to the extent they seek any information that does not appear reasonably calculated to lead to the discovery of admissible evidence under Federal Rule of Civil Procedure 26. Defendant

further objects to plaintiffs' Interrogatories as beyond the scope of permitted discovery to the extent they seek any information that is not related to the issue of class certification or where the burden of identifying and providing any responsive, non-privileged information far outweighs any relevance it might have to the issue of class certification.

6. Defendant does not waive any objection to the plaintiffs' Requests to the extent they seek disclosure of documents derived from systems of records maintained by USDA and its components which are protected by the Privacy Act of 1974, 5 U.S.C. § 552a, but notes that disclosure of any such documents has been specifically authorized by, and is subject to the terms of, the Court's Protective Order, entered May 8, 2003.

Subject to and without waiving any of the foregoing General Objections, which are hereby incorporated into each objection given below, defendant makes the following specific objections and responses to the Interrogatories:

INTERROGATORIES

INTERROGATORY NO. 1: For each relevant county, identify each Hispanic farmer who applied for any farm credit and/or non-credit benefit during the relevant time period and for each instance state the type of credit or benefit requested (e.g., operating loan, disaster relief, subsidy, etc.), the number of acres the farmer owned and/or leased, the number of years of farming experience, the date the application was received, the date a decision was issued, the date the farmer was notified of the decision, if approved, whether the loan was disbursed in a single lump sum or distributed in periodic distributions and if the latter, the amount of each distribution and the date the distribution was issued, if not approved, the basis for the denial, and the number of farm plans prepared during the application process.

OBJECTION: Defendant objects to this request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence related to the issue of class certification. Defendant further objects to the lack of specification in the terms "farm credit," "credit," and "loan" used in this Request, which are not limited to farm loan programs of the type currently administered by FSA, and to the lack of specification in the terms "non-credit

benefit” or “benefit,” which are not limited to the FSA disaster relief programs that are the only non-credit benefits encompassed within plaintiffs’ proposed class definition. Defendant objects to reviewing the individual FSA files of each Hispanic farmer or rancher in the counties plaintiffs have deemed “relevant” on the grounds that plaintiffs’ request is substantially burdensome and that the burden of identifying any responsive, non-privileged information from these files far outweighs any relevance they might have to the issue of class certification. In addition, defendant objects to this Interrogatory to the extent that it seeks information that is protected by privilege or other applicable doctrine.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, defendant responds as follows: As specified in defendant’s responses to Plaintiffs’ Requests for Production of Documents No. 3, defendant intends to provide certain information from FSA databases, regarding the applications, closed loans, and disaster benefits of Hispanic and non-Hispanic farmers, from which information responsive to this Interrogatory may be derived. Defendant has also produced for inspection FSA loan files relating to 35 of the individuals identified as plaintiffs in the complaint, and defendant also intends to produce disaster benefit files for individuals identified in the complaint, as available. Information responsive to this Interrogatory may also be derived from these sources.

INTERROGATORY NO. 2: For each relevant county, identify every white male farmer who applied for credit and/or a benefit during the relevant time period and for each instance state the type of credit or benefit requested (e.g., operating loan, disaster relief, subsidy, etc.), the number of acres the farmer owned and/or leased, the number of years of farming experience, the date the application was received, the date a decision was issued, the date the farmer was notified about the decision, if approved, whether the loan was disbursed in a single lump sum or distributed in periodic distributions and if the latter, the amount of each distribution and the date the distribution was issued, if not approved, the basis for the denial, and the number of farm plans prepared during the application process.

OBJECTION: Defendant objects to this request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence related to the issue of class certification. Defendant further objects to the lack of specification in the terms “credit,” and “loan” used in this Request, which are not limited to farm loan programs of the type currently administered by FSA, and to the lack of specification in the term “benefit,” which is not limited to the FSA disaster relief programs that are the only non-credit benefits encompassed within plaintiffs’ proposed class definition. Defendant objects to reviewing the individual FSA files of each white farmer or rancher in the counties plaintiffs have deemed “relevant” on the grounds that plaintiffs’ request is substantially burdensome and that the burden of identifying any responsive, non-privileged information from these files far outweighs any relevance they might have to the issue of class certification. In addition, defendant objects to this request to the extent that it seeks information that is protected by privilege or other applicable doctrine.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, defendant responds as follows: As specified in defendant’s responses to Plaintiffs’ Requests for Production of Documents No. 3, defendant intends to provide certain information from FSA databases, regarding the applications, closed loans, and disaster benefits of Hispanic and non-Hispanic farmers, from which information responsive to this Interrogatory may be derived.

INTERROGATORY NO. 3: Do you contend that Hispanic farmers received the same information regarding farm credit and benefit programs as white farmers? If not, why

OBJECTION: Defendant objects to this Interrogatory on the ground that it is a premature contention interrogatory to which a response should be required, if at all, only once substantial discovery has been completed.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, defendant responds in the affirmative.

INTERROGATORY NO. 4: Did USDA or the Agency ever provide information regarding farm credit and benefit programs in Spanish, if so, identify all such instances, and if not, state why?

OBJECTION: Defendant objects to this interrogatory to the extent to which it calls for defendant to identify each and every instance in which defendant provided information in Spanish from 1981 to present in any location on the grounds that the burden of producing such information outweighs any relevancy of the information to the issue of class certification. In addition, it is not possible for defendant to identify "all such instances" in which such information was provided.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, defendant responds as follows: It is the policy of the Farm Service Agency (FSA) to ensure that all customers and potential customers, especially under-served individuals and groups, are made aware of, understand, and have a working knowledge of USDA programs and services. FSA has provided information on its farm loan programs and its disaster assistance programs in Spanish, including brochures, pamphlets, and fact sheets on its programs. Predominant among these is the Producer's Guide, also known as Pamphlet PA-1610-S, a copy of which is attached hereto. With regard to FSA regulations, 7 C.F.R. §1943.13 provides for outreach to applicants and borrowers who are members of socially disadvantaged groups and specifically provides that FSA must make an effort to "provide pamphlets, publications and general information on the direct FO loan program to members of socially disadvantaged groups." Moreover, the outreach strategic plan of many FSA state offices include as an action item the provision of information on FSA programs in Spanish or other languages. Examples of

such outreach plans are attached hereto. In order to make this effort to provide information in Spanish and other languages, local FSA offices make a number of FSA publications available in Spanish, including in the states set forth in Appendix A to Plaintiff's first Set of Interrogatories. A number of these publications are available on FSA's website at www.fsa.usda.gov/pas/publications/facts/spanishfacts.htm. Examples of a number of other such documents in Spanish are provided in response to this request, and are attached hereto. In addition to providing informational materials in Spanish, FSA occasionally holds public information meetings in Spanish. Moreover, employees at FSA local offices often speak Spanish and thus are able to assist Spanish-speaking customers.

5. For each relevant county, identify the amount of funds given to the county for each credit and benefit program (i.e. ownership loans, operating loans, disaster relief programs etc.) for each year during the relevant time period, and indicate the actual amount distributed to the farmers under each program and any amount not dispersed at the end of the fiscal year.

RESPONSE: FSA has not, and does not, allocate funds to counties in either the farm loan or disaster benefit programs. However, FSA has allocated funds by state based upon loan type (direct operating, direct farm ownership, guaranteed operating, guaranteed farm ownership, and other types of loan) and type of borrower (non-beginning farmer, beginning farmer, socially disadvantaged farmer). The enclosed documents include a breakdown of these allocations in the states set forth in Appendix A of Plaintiff's First Set of Interrogatories. Also provided is spreadsheet listing the actual disbursements made in these states.

INTERROGATORY NO. 6: For each relevant county, identify each Hispanic farmer who had a supervised account during the relevant time period, and indicate the date the account was

established, the date the account was closed, if applicable, and the reason for establishing such an account.

OBJECTION: Defendant objects to this request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence related to the issue of class certification. Defendant further objects to the lack of specification in the terms “supervised account” used in this Request, which is not limited to accounts associated with farm loan programs of the type currently administered by FSA. Defendant further objects to reviewing the individual FSA files of each Hispanic farmer or rancher in the counties plaintiffs have deemed “relevant” in an effort to derive the response to this request on the grounds that plaintiffs’ request is substantially burdensome and that the burden of identifying any responsive, non-privileged information from these files far outweighs any relevance they might have to the issue of class certification. In addition, defendant objects to this request to the extent that it seeks information that is protected by privilege or other applicable doctrine.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, Defendant responds as follows: Defendant has produced for inspection FSA loan files relating to 35 of the individuals identified in plaintiffs’ complaint, from which certain information responsive to this Interrogatory may be derived.

INTERROGATORY NO. 7: For each relevant county, identify each white male farmer who had a supervised account during the relevant time period, and indicate the date such account was established, the date the account was closed, if applicable, and the reason for establishing such an account.

OBJECTION: Defendant objects to this request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence related to the issue of class certification. Defendant further objects to the lack of specification in the terms “supervised

account” used in this Request, which is not limited to accounts associated with farm loan programs of the type currently administered by FSA. Defendant further objects to reviewing the individual FSA files of each white male farmer or rancher in the counties plaintiffs have deemed “relevant” in an effort to derive the response to this request on the grounds that plaintiffs’ request is substantially burdensome and that the burden of identifying any responsive, non-privileged information from these files far outweighs any relevance they might have to the issue of class certification. In addition, defendant objects to this request to the extent that it seeks information that is protected by privilege or other applicable doctrine.

INTERROGATORY NO. 8: For each relevant county, identify each Hispanic farmer who filed a written or oral discrimination complaint during the relevant time period and provide the date the complaint was filed, description of the complaint, the actions taken, if any, to resolve the complaint, and, if an investigation was conducted, provide the dates the investigation commenced and ended, as well as any findings or final decision, and the date the farmer was notified.

OBJECTION: Defendants objects to this request as overbroad, burdensome, and beyond the scope of permissible discovery relating to class certification issues in light of the fact that this Court has held USDA’s alleged failure to investigate discrimination complaints “cannot serve as the common issue of fact necessary to a Rule 23(a) determination, after [the Court’s] ruling on March 20, 2002, that plaintiffs’ allegations of failure to investigate civil rights complaints did not state a claim under the Equal Credit Opportunity Act or the Administrative Procedure Act.” Dec. 2, 2002, Order, at 9. Defendant also objects to this request because the burden of identifying and providing any responsive, non-privileged information far outweighs any relevancy it might have to the issue of class certification. Further, defendant also objects to this request to the extent it seeks information that is protected by privilege or other applicable doctrine.

INTERROGATORY NO. 9: For each relevant county, identify all of the Agency's benefit and credit programs provided to farmers during each year of the relevant time period.

OBEJECTION: Defendant objects to the lack of specification in the term "credit" used in this Interrogatory, which is not limited to farm loan programs of the type currently administered by FSA, and to the lack of specification in the term "benefit," which is not limited to the FSA disaster relief program that is the only non-credit benefit encompassed within plaintiffs' proposed class definition.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, defendant responds as follows: With regard to FSA farm loan programs, the following programs were available during the fiscal years (FY) specified:

| <u>Loan Program</u> | <u>FY's Available</u> |
|--|-----------------------|
| Direct Operating | 1981-2003 |
| Guaranteed Operating - unsubsidized | 1981-2003 |
| Guaranteed Operating with interest assistance | 1991-2003 |
| Direct Farm Ownership | 1981-2003 |
| Guaranteed Farm Ownership | 1981-2003 |
| Guaranteed Farm Ownership with interest assistance | 1991 |
| Emergency (when a disaster is declared) | 1981-2003 |
| Economic Emergency | 1981, 1982, 1984 |
| Guaranteed Economic Emergency | 1983 |
| Direct Soil and Water | 1982-1994 |
| Guaranteed Soil and Water | 1982-1994 |
| Credit Sales and Acquired Properties | 1992-1994, 1997-1998 |
| Special Apple Loan Program | 2001 |
| Emergency Loans for Seed Producers | 2001 |
| Indian Land Acquisition (only to tribal entities) | 1982-2003 |

With regard to disaster benefit programs, the following programs were available from 1981 to present:

Production Emergency Compliance Division

Compliance Branch, Emergency Preparedness and Programs Branch, Common Provisions Branch

Crop Loss Disaster Assistance Program (CLDAP)

Crop Disaster Program (CDP)

1999

2000

Livestock Compensation Programs (LCP)

Livestock Assistance Program (LAP)

Livestock Indemnity Program

Flood Compensation Program (FCP)

Livestock Incentive Program

Dairy Production Disaster Assistance Program (DPDAP)

Disaster Assistance (PAD)

Disaster Payment Program for '90 Crop of Sugarcane, Sugarbeets, Soybeans and Peanuts

Forage Assistance Program

Harney County Flood Assistance

Non-commercial Risk Assurance Program

'90, '91, '92 Crop Disaster Assistance Program for Peanuts

'90 to '92 Crop Quality Loss

'93 to '93 Crop Losses (Hurricanes Andrew and Iniki, Typhoon Omar)

'90 to '92 Curly Top Virus Condition in Sugar Beets

Non-Insured Assistance Program Branch

Livestock Feed Programs (FLP)

Emergency Feed Program (EFP)

Emergency Feed Assistance Program (EFAP)

Livestock Preservation Donation Program (LPDP)

Crash Feed Grain Donation Program (CFGDP)

Prickly Pear Cactus Burning Program (PPCBP)

Emergency Feed Grain Donation Program (EFGDP)

Indian Acute Distress Donation Program (IADDP)

Disaster Reserve Assistance Program (DRAP)

American Indian Livestock Feed Program (AILFP) - DAP

Noninsured Crop Disaster Assistance Program (NAP)

Foundation Livestock Relief Program (FLRP)

Conservation and Environmental Programs Division

Emergency Conservation Program (ECP)

Tree Assistance Program (TAP)

Pasture Recovery Program (PRP) (Provided DF Notices 332 through 322)

INTERROGATORY NO. 10: For each relevant county, state the number of Hispanic farmers located in that county for each year during the relevant time period.

RESPONSE: Defendant has previously provided plaintiffs with a spreadsheet prepared by USDA's Economic Research Service relating to the number of Hispanic and white male farmers in the relevant counties. The data was calculated from the 1982, 1987, 1992, and 1997 Censuses of Agriculture. The spreadsheet also includes a count of Hispanic, white male-operated farms, since Hispanic is an ethnic, rather than a racial, classification.

INTERROGATORY NO. 11: For each relevant county, state the number of white male farmers located in that county.

RESPONSE: See Response to Interrogatory No. 10, supra.

INTERROGATORY NO. 12: For each relevant county, state the number of complaints filed by Hispanic farmers with respect to credit and benefit programs that the Agency processed during each year of the relevant time period, and identify each such complainant.

OBJECTION: Defendant objects to this Interrogatory as vague, overbroad and not calculated to lead to the discovery of admissible evidence in that it does not specify what type of "complaint" it seeks information regarding. Defendant further objects to the lack of specification in the terms "credit and benefit programs" which are not limited to farm credit programs of the type currently administered by FSA and the FSA disaster relief programs that are the only non-credit benefit programs encompassed within plaintiffs' proposed class definition. To the extent this request is seeking information regarding civil rights complaints filed by Hispanic farmers, defendant objects to this Interrogatory as overbroad, burdensome, and beyond the scope of permissible discovery relating to class certification issues in light of the fact that this Court has held USDA's alleged failure to investigate discrimination complaints "cannot serve as the common issue of fact necessary to a Rule 23(a) determination, after [the Court's] ruling on March 20, 2002, that plaintiffs' allegations of failure to investigate civil rights complaints did not

state a claim under the Equal Credit Opportunity Act or the Administrative Procedure Act.” Dec. 2, 2002, Order, at 9. Defendant also objects to this request because the burden of identifying and producing any responsive, non-privileged documents far outweighs any relevancy they might have to the issue of class certification. Further, defendant also objects to this request to the extent it seeks documents that are not in her possession, custody, or control, and to the extent that it seeks any document that is protected by privilege or other applicable doctrine.

INTERROGATORY NO. 13: For each relevant county and for each year during the relevant time period, identify every Agency employee and official who has been accused of discriminating against Hispanic farmers, the nature of the complaint, race/national origin/ethnicity, whether any disciplinary action was taken against the accused employee/official, whether an investigation was conducted; if so, the outcome, if not, why.

OBJECTION. Defendant objects to this Interrogatory as overbroad, burdensome, and beyond the scope of permissible discovery relating to class certification issues in light of the fact that this Court has held USDA’s alleged failure to investigate discrimination complaints “cannot serve as the common issue of fact necessary to a Rule 23(a) determination, after [the Court’s] ruling on March 20, 2002, that plaintiffs’ allegations of failure to investigate civil rights complaints did not state a claim under the Equal Credit Opportunity Act or the Administrative Procedure Act.” Dec. 2, 2002, Order, at 9. Defendant also objects to this request because the burden of identifying and producing any responsive, non-privileged documents far outweighs any relevancy they might have to the issue of class certification. Further, defendant also objects to this request to the extent it seeks documents that are not in her possession, custody, or control, and to the extent that it seeks any document that is protected by privilege or other applicable doctrine.

INTERROGATORY NO. 14: State the Agency's policy for document retention and/or destruction related to civil rights complaints, applications for farm credit and participation in non-credit farm benefit programs and with respect to the files of farmers who had existing loans or participated in non-credit farm benefit programs during the relevant time period.

OBJECTION: Defendant objects to this Interrogatory as overbroad, burdensome, and beyond the scope of permissible discovery relating to class certification issues to the extent that it seeks documents relating to civil rights complaints in light of the fact that this Court has held USDA's alleged failure to investigate discrimination complaints "cannot serve as the common issue of fact necessary to a Rule 23(a) determination, after [the Court's] ruling on March 20, 2002, that plaintiffs' allegations of failure to investigate civil rights complaints did not state a claim under the Equal Credit Opportunity Act or the Administrative Procedure Act." Dec. 2, 2002, Order, at 9.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, Defendant responds that she has provided plaintiffs with documents from which information responsive to this Interrogatory may be derived as to FSA.

15. Identify the persons who organized and conducted the "Partnership" meeting held at the Holiday Inn in Alamosa, Colorado on or about November 21, 2002 and identify the persons who were either invited to attend that meeting or were given notice of any sort that the meeting would take place and state whether any Hispanic farmer or rancher was given notice of the meeting and if not, state the reason why no Hispanic farmer or rancher was given notice of the meeting, and describe in detail the subject matter and purpose of the meeting and identify each instance in which a similar meeting was held during the relevant time period in Alamosa, Colorado or in any relevant county, and for each such meeting provide all of the information requested with respect to the aforementioned November 21, 2002 "Partnership" meeting.

RESPONSE: Defendant does not have any specific knowledge of such "Partnership" meeting or who may have organized or conducted such meeting. On November 21, 2002, FSA conducted a Farm Bill meeting at the Holiday Inn in Alamosa, Colorado in order to explain to producers the programs that were available under the new law. FSA employees are aware that a meeting took

place in a conference room in the same hotel in which a sign outside referenced USDA.

However, the meeting was not held by FSA, nor does defendant have any additional knowledge regarding this meeting. With regard to the meeting on the Farm Bill, FSA advertised that meeting by mailing a general notice to all producers who were then listed as owners or operators of farms in the counties of Alamosa, Rio Grande, Saguachue, Conejos and Costilla, regardless of whether such producers were or were not participating in FSA programs. The mailing listed two different meeting locations and times for November 21, 2002.

INTERROGATORY NO. 16: Identify each individual within the USDA or the Agency who in any participated in the decision to have Mr. Tyn Davis of Ft. Hancock, Texas, declared ineligible to participate in the cotton subsidy program on or about August 2002 or who in any way had knowledge of any such decision or action designed to carry out that decision; with respect to each such individual indicate precisely what role the individual played in the decision or in any action to carry out the decision and what knowledge the individual had with respect to the decision or any action taken to carry it out, identify all documents that refer to, relate to, discuss or constitute the decision to have Mr. Davis declared ineligible to participate in the cotton subsidy program and identify all of the individuals who played any part in the decision to report to Congress or any member thereof that Mr. Davis' alleged ineligibility to participate in the cotton subsidy program was the result of a "computer glitch" and identify all documents that either support or refute or otherwise call into question the alleged "computer glitch" as the cause of Mr. Davis having been declared ineligible to participate in the cotton subsidy.

OBJECTION: Defendant objects to this request as overbroad and not reasonably calculated to lead to the discovery of any admissible evidence with bearing on plaintiffs' class claims or on the issues of class certification; in particular, defendant objects to this request because it purports to concern one individual's participation in a cotton subsidy program that is not encompassed within plaintiffs' proposed class definition, and therefore, this request not only has no bearing on class certification issues, but also has no bearing on any issue raised by this lawsuit. Defendant also objects to this request as burdensome and on the grounds that the burden of identifying and providing any responsive, non-privileged information far outweighs any

relevance it might have to the issue of class certification.

INTERROGATORY NO. 17: Identify each analysis, investigation, audit or review or your lending practices and your administration of non-credit farm benefit programs undertaken by any entity, including, but not limited to, you, the USDA or subdivision thereof, the United States Commission on Civil Rights, either House of the United States Congress or any committee or subcommittee thereof, the Senate or U.S. House of Representatives, Government Accounting Office or the Office of the Inspector General or any consultant, undertaken during the relevant time period and identify all documents that reflect, refer to, comprise or constitute any such analysis, investigation, audit or review.

OBJECTION: Defendant objects to this request as overbroad, burdensome, unanswerable, and not reasonably calculated to lead to the discovery of admissible evidence related to the issue of class certification. FSA's credit and benefit programs have been continually funded as part of regular USDA appropriations during the entire time period that plaintiffs refer to as "relevant" and are subject to continuous oversight by the entities named in this request. Virtually every examination of those programs by either house of Congress, USDA, GAO, or the Office of the Inspector General would fall within the scope of this request. Defendant cannot respond to this request without some further specification from plaintiffs as to the type and scope of "analysis, investigation, audit or review" of FSA credit or benefit programs they are seeking. Defendant also objects to this request because its overbreadth renders it unlikely to lead to the discovery of admissible evidence, and thus places it outside the scope of discovery permitted by the Federal Rules of Civil Procedure. Defendant further objects to this request to the extent that it seeks information or documents that are not in her possession, custody or control.

RESPONSE: Subject to and without waiving the foregoing general and specific objections, Defendant responds as follows: See Response to Request for Production of Documents No. 13.

INTERROGATORY NO. 18: Identify all documents that you consulted or reviewed or referred to in any way in connection with preparing or verifying your response to these interrogatories and for each such document identify the interrogatory with respect to which you consulted, reviewed or referred to such document.

RESPONSE: Defendant has provided to plaintiffs all primary documents that were consulted, reviewed, or referred to in these responses.

INTERROGATORY NO. 19: Identify each person who answered or provided any information to assist in answering each of the foregoing interrogatories.

RESPONSE: The primary persons who provided information to assist in answering the foregoing interrogatories are as follows:

Almeda (Dee) Cole
Assistant Deputy Administrator
Farm Service Agency (FSA) - Farm Loan Programs (FLP)
Washington, DC

Lynn Patrick
FSA-FLP
Washington, DC

James Radintz
Director, Loan Making Division
FSA-FLP
Washington, DC

Arthur V. Hall
Director, Loan Servicing and Property Management Division
FSA-FLP
Washington, DC

Robert Zimmerman
Senior Loan Officer, Loan Servicing and Property Management Division
FSA-FLP
Washington, DC

Paul Gutierrez
Assistant Deputy Administrator for Farm Programs
FSA- Farm Programs (FP)
Washington, DC

Lynn Tjeerdsma

Branch Chief, Emergency Preparedness and Programs Branch
FSA-FP
Washington, DC

Judy Paglia
Agricultural Program Specialist
Production Emergency & Compliance Division
Washington, DC

Salomon Ramirez
Assistant to Deputy Administrator for Farm Programs
FSA-FP
Washington, DC

John Smythe
State Executive Director
California State FSA Office

Larry Owens
Farm Loan Chief
Texas State FSA Office

Christian Andersen
Farm Loan Chief
New Mexico State FSA Office

Mike Graham
Farm Loan Chief
Florida State FSA Office

Leon Sanders
Farm Loan Chief
Colorado State FSA Office

Sharon Kinnison
Farm Loan Chief
Arizona State FSA Office

Donald N. Downing
Farm Loan Chief
Washington State FSA Office

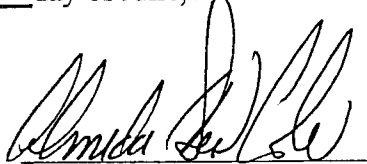
Roger Meredith
Farm Loan Chief
Montana State FSA Office

Cindy Hottel
County Executive Director
FSA - Colorado - Alamosa County

James MacDonald
Chief, Agricultural Structure Branch
Resource Economic Division
Economic Research Service, USDA
Washington, DC

I declare under penalty of perjury under the laws of the United States that the foregoing responses to interrogatories nos. 3 and 4 are true and correct based upon my knowledge, information, and belief, and based upon information provided by other employees of the Farm Service Agency and records maintained by that agency.

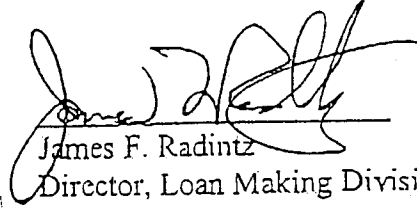
Signed and sworn this 5th day of June, 2003.



Almeda (Dee) Cole
Assistant Deputy Administrator
Farm Service Agency (FSA) - Farm Loan Programs
Washington, DC

I declare under penalty of perjury under the laws of the United States that the foregoing responses to interrogatories nos. 5 and 9 are true and correct based upon my knowledge, information, and belief, and based upon information provided by other employees of the Farm Service Agency and records maintained by that agency.

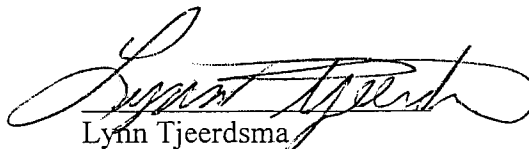
Signed and sworn this 5th day of June, 2003.



James F. Radintz
Director, Loan Making Division
Farm Service Agency-Farm Loan Programs
Washington, DC

I declare under penalty of perjury under the laws of the United States that the foregoing responses to interrogatories nos. 3, 4, and 9 are true and correct based upon my knowledge, information, and belief, and based upon information provided by other employees of the Farm Service Agency and records maintained by that agency.

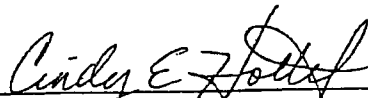
Signed and sworn this 5th day of June, 2003.



Lynn Tjeerdsma
Branch Chief, Emergency Preparedness and
Programs Branch
Farm Service Agency-Farm Programs
Washington, DC

I declare under penalty of perjury under the laws of the United States that the foregoing response to interrogatories no.15 is true and correct based upon my knowledge, information, and belief, and based upon information provided by other employees of the Farm Service Agency and records maintained by that agency.

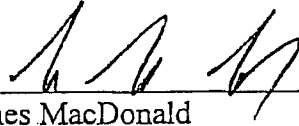
Signed and sworn this 5th day of June, 2003.



Cindy Hottel
County Executive Director
FSA - Colorado - Alamosa County

I declare under penalty of perjury under the laws of the United States that the foregoing responses to interrogatory no.10 is true and correct based upon my knowledge, information, and belief, and based upon information provided by other employees of the Farm Service Agency and records maintained by that agency.

Signed and sworn this 5th day of June, 2003.

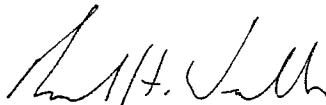


James MacDonald
Chief, Agricultural Structure Branch
Resource Economic Division
Economic Research Service, USDA
Washington, DC

CERTIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing responses to interrogatories nos. 1, 2, 6, 11, 14, 17, 18 and 19 are true and correct based upon my knowledge, information, and belief, and based upon information provided by present employees of the United States Department of Agriculture and records maintained by the agency.

Signed and sworn this 5th day of June, 2003.

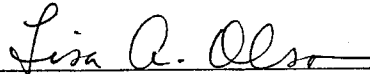


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Counsel for Defendant

Dated: June 5, 2003

CERTIFICATE OF SERVICE

I certify that on June 5, 2003, a copy of Defendants' Response to Plaintiffs' First Set of Interrogatories was served upon counsel of record as follows:


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