

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUADALUPE L. GARCIA, JR., et al.,

Plaintiffs,

v.

ANN VENEMAN, Secretary of the
United States Department of Agriculture

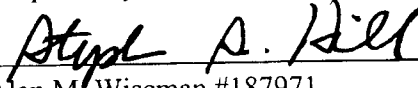
Defendant.

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) Civil Action No. 1:00CVO2445
) Judge Robertson
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**PLAINTIFFS' MOTION FOR EXPEDITED CONSIDERATION
OF PENDING MATTERS**

Pursuant to Rule 7 of the Federal Rules of Civil Procedure and LCvR 7.1, plaintiffs hereby move the Court for expedited consideration of two pending matters: (1) Plaintiffs' Motion For Leave To File A Third Amended Complaint; and (2) Plaintiffs Memorandum In Response To The Court's July 15, 2003 Order With Respect To Commonality. Pursuant to LCvR 7.1(m), plaintiffs' counsel conferred with defense counsel prior to filing this motion and defense counsel takes no position with respect to this motion. A Memorandum of Points and Authorities accompanies this motion.

Respectfully Submitted,



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Date: May 28, 2004

tainted by the very discrimination complained of in this litigation. On the other hand, Hispanic farmers who are deemed by USDA to have civil rights complaints on file cannot get their complaints processed because USDA considers the farmers to be members of the putative Garcia class. Indeed, on information and belief, the USDA Office of Civil Right is withholding specific findings of discrimination because the complainants are members of the putative class.

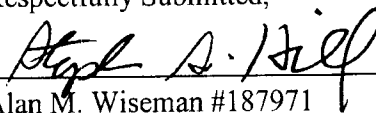
Furthermore, in seeking expedited consideration of the aforementioned matters, it should be noted that at least with respect to certain potential rulings, defendant has not raised any credible objections to the relief being sought. Indeed, despite receiving an extension of time in which to oppose Plaintiffs' Motion For Leave To File A Third Amended Complaint, defendant has not offered any sound reasons for denying this motion. Moreover, in her response to Plaintiffs' Commonality Memorandum, defendant does not even offer a response to plaintiffs' legal arguments and substantial evidence demonstrating that, at a minimum notwithstanding the very limited discovery permitted to date, plaintiffs satisfy the requirements for the certification of a Rule 23(b)(2) disparate treatment class.

Finally, in addition to the aforementioned suffering of plaintiffs who continue to be victimized by USDA discrimination, at least two named plaintiffs, and three other farmers for whom declarations have been filed in this proceeding have died during the pendency of this litigation. There is simply no telling how many putative class members have died¹ or whose health has deteriorated during the pendency of this litigation. Plaintiffs respectfully submit that rulings on the two outstanding matters will permit this case to get back on track to resolution.

For the foregoing reasons, plaintiffs request that, in the interest of justice, the Court expedite its consideration of Plaintiffs' Motion For Leave To File A Third Complaint and Plaintiffs' Commonality.

¹ Plaintiffs' counsel is aware of at least seven putative class members who have died during the pendency of this litigation.

Respectfully Submitted,



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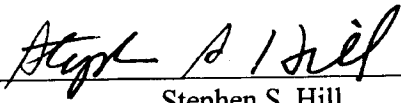
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May 2004, Plaintiffs' Motion for Expedited Consideration of Pending Matters and the Memorandum of Points And Authorities In Support of Plaintiffs' Motion For Expedited Consideration Of Pending Matters were filed electronically with the Clerk of The Court to be served by operation of the Court's electronic filing system upon defendant's counsel as follows:

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Elizabeth Goitein, Esq.
U.S. Department of Justice
Civil Division
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20 Massachusetts Ave. N.W. Room 6118
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) Civil Action No. 1:00CV02445 (JR)
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ORDER

Upon consideration of Plaintiffs' Motion For Expedited Consideration Of Pending Matters, the Memorandum Of Points And Authorities In Support Of Plaintiffs' Motion For Expedited Consideration Of Pending Matters and in view of the fact that Defendant takes no position with respect to said Motion, the Court hereby ORDERS that said Motion is GRANTED.

James Robertson
United States District Judge

Date: June __, 2004