

## **Black Farmers Discrimination Litigation Cy Pres Funds**

Lead Class Counsel in the *In re Black Farmers Discrimination Litigation* (Consolidated Case) are pleased to announce details about the Black Farmers Discrimination Litigation (BFDL) Cy Pres Funds, which are approximately \$12 million in settlement funds remaining following the final deadline for successful claimants to cash their settlement checks. Awards from the BFDL Cy Pres Fund will be made to eligible tax-exempt nonprofit organizations serving African-American farmers and/or ranchers according to the intent of the Consolidated Case Settlement Agreement.

It is expected that BFDL Cy Pres Funds will be distributed in two distinct phases: Cy Pres Phase I Grants and Cy Pres Phase II Grants. **This announcement is notifying eligible applicants of a Request for Proposals (RFP) for Cy Pres Phase I Grants, opening Monday, July 31, 2017 and closing Friday, September 29, 2017.** Lead Class Counsel expect to recommend that up to one-third (approximately \$4 million) of the total BFDL Cy Pres Funds be eligible for disbursement through the Cy Pres Phase I Grants process. The purpose of Cy Pres Phase I Grants is to stabilize and/or grow the capacity of nonprofit organizations that have both a historic (prior to December 31, 2012) *and* a current record of providing meaningful agricultural, business assistance, and/or advocacy services to African-American farmers and/or ranchers operating in rural/non-urban areas of the United States.

Eligible applicants for Cy Pres Phase I Grants must meet all the following criteria:

- Be a 501(c)(3) nonprofit organization, or an organization with a 501(c)(3) fiscal sponsor relationship;
- Have historically (defined as before December 31, 2012) provided meaningful agricultural, business assistance, and/or advocacy services to African-American farmers and/or ranchers operating in rural/non-urban areas of the United States; and,
- Currently provide meaningful agricultural, business assistance, and/or advocacy services to African-American farmers and/or ranchers operating in rural/non-urban areas of the United States.

Law firms, legal service entities, and educational institutions are not eligible per the Consolidated Case Settlement Agreement.

Applications in response to the Cy Pres Phase I Grants RFP will be accepted beginning on Monday, July 31, 2017 at 12:00 p.m. Eastern Time, and over a 9-week period. All applications must be submitted by 11:59 p.m. Eastern Time on Friday, September 29, 2017 to be considered for funding. A technical assistance webinar will be offered in early August to clarify logistical and technical questions applicants might have about completing their application. Questions from organizations regarding the content of their applications will not be addressed during this webinar. Additionally, Lead Class Counsel will host a conference call in early August to address non-technical questions about the overall process and intent of the BFDL Cy Pres Funds and the Cy Pres Phase I Grant opportunity.

Lead Class Counsel hope to recommend to the Court that Cy Pres Phase I Grants be awarded by the end of 2017.

Following the Court's final decision on distribution of Cy Pres Phase I Grants, Lead Class Counsel expect to recommend that the remaining approximately \$8 million of the BFDL Cy Pres Funds be disbursed through Cy Pres Phase II Grants. In preparation for Cy Pres Phase II Grants, Lead Class Counsel will seek to engage African-American farmers, advocates, and allies to identify strategic funding priorities for the Cy Pres Phase II Grant recommendation process. Lead Class Counsel currently anticipate that they will recommend that the Court approve the disbursement of Cy Pres Phase II Grants no later than the end of 2019.

Lead Class Counsel have engaged Farm Aid as the technical consultant for the Cy Pres Phase I Grant process and as an advisor. Farm Aid has not and will not receive any of the BFDL Cy Pres Funds. Farm Aid brings more than 30 years of experience in grant making and partnering with farm service organizations across the country, including numerous African-American agricultural nonprofits. Farm Aid is responsible for processing Cy Pres Phase I Grant proposals, communications with applicants, review of applications, monitoring of awards, and recordkeeping. Lead Class Counsel are responsible for making Cy Pres Phase I Grant recommendations to the Court. The U.S. District Court will make final decisions on any disbursement of BFDL Cy Pres Funds.