

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re BLACK FARMERS DISCRIMINATION)
LITIGATION)

Misc. No. 08-0511 (PLF)

MEMORANDUM OPINION AND ORDER

The Black Farmers and Agriculturalists Association, Inc. (“BFAA”) and its president Thomas Burrell have filed a motion to reconsider the Court’s Order of October 27, 2011, approving a settlement agreement in this class action. See Motion to Reconsider Order as to Terms of Settlement Agreement (Docket No. 238) (“Mot.”).¹

Motions for reconsideration are committed to the discretion of the trial court and need not be granted “unless the Court finds that there is ‘an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.’” MDB Communications, Inc. v. Hartford Cas. Ins. Co., 531 F. Supp. 2d 75, 79 (D.D.C. 2008) (quoting Ciralsky v. Central Intelligence Agency, 355 F.3d 661, 671 (D.C. Cir. 2004)). Such motions are “not to be used to relitigate matters already argued and disposed of; they are intended to permit the court to correct errors of fact appearing on the face of the record,

¹ Mr. Burrell is not a plaintiff in this case nor a class member. The BFAA was previously a plaintiff in one of the lawsuits that were consolidated into this miscellaneous action, but the organization is not currently a plaintiff, nor was it a plaintiff at the time of the Court’s October 27, 2011, Order. While the BFAA has separately moved to be reinstated as a plaintiff, see Motion for Reconsideration as to the Exclusion of the BFAA (Docket No. 239), its status as a party is ultimately irrelevant to the disposition of this motion, because the Court finds that the motion lacks merit.

or errors of law.” Id. (quoting Independent Petroleum Ass’n of America v. Babbitt, 178 F.R.D. 323, 324 (D.D.C. 1998)).

The BFAA’s motion for reconsideration merely repeats an argument that the organization advanced in opposing the proposed settlement agreement in this case. Specifically, the BFAA asserts that a private right of action is still available to many class members under Section 741 of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, Pub. L. No. 105-277, 112 Stat. 2681, 2681-30 (1998). See Mot. at 4. The BFAA therefore “requests that this court would reconsider application of the provisions of Section 741” to the settlement agreement “rather than” Section 14012 of the Food, Conservation and Energy Act of 2008, Pub. L. No. 110-234, 122 Stat. 923, 1448 (2008). Id. at 1. The BFAA’s position is that “the remedy originally available under Section 741 is still available to any and all of the class members who filed claims prior to October 21, 2000.” Id. at 4.

The Court has already explained why this argument is “simply wrong.” See In re Black Farmers Discrimination Litigation, --- F. Supp. 2d ----, 2011 WL 5117058, at *25-*26 (D.D.C. Oct. 27, 2011). The BFAA offers no new arguments or any grounds for reconsidering the Court’s conclusion. Accordingly, it is

ORDERED that the BFAA’s motion for reconsideration [Dkt. No. 238] is DENIED.

SO ORDERED.

/s/ _____
PAUL L. FRIEDMAN
United States District Judge

DATE: December 13, 2011