Filing Deadline Extended to July 31: How to File Claims for Compensation from the Non-StarLink Farmer’s Class Action Settlement

By D. L. Uchtmann (Updated June 4, 2003)

Synopsis:

Most Illinois farmers have until July 31, 2003 (deadline extended) to claim their share of the $110 million settlement (plus interest) approved by Judge Moran on April 7, 2003. This article is intended for Farm Operators who have not yet filed their Proof of Claim; the article:

• Notes that Farm Operators (not Landlords) are the only persons authorized to file the Corn Loss Proof of Claim by July 31, 2003, a new filing deadline.
• Notes that a Farm Operator submitting a Proof of Claim has a responsibility to account to Landlords with a “share interest” in the crop and others with a “legal interest” in the crop.
• Describes five specific, practical steps that the primary Farm Operator can take to expeditiously file the Corn Loss Proof of Claim for corn acres harvested in 2000, including how to obtain the Proof of Claim form.
• Notes that lawyers involved in the case have agreed that it is not necessary to reproduce and attach farm maps when Farm Operators submit the Corn Loss Proof of Claim.
• Links to an optional Excel Spreadsheet, a helpful tool for Farm Operators who operate multiple farms, are familiar with spreadsheets, and elect to create a spreadsheet attachment to their Proof of Claim.
• Illustrates through examples how certain parts of the “Statement of Claim” (Part of the Proof of Claim form) can be completed.
• Refers the reader to other sources of information, including background information about the class action lawsuits that have resulted in this multi-million dollar settlement.

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The filing deadline for Corn Loss claims has been extended to July 31, 2003. Most Illinois farmers have a stake in the multi-million dollar settlement approved by Judge Moran (U.S. District Court for the N. District of Illinois) on April 7, 2003. The total settlement, before enhancement and interest, is $110,000,000. July 31, 2003 is the new deadline for eligible farmers to submit a Proof of Claim for the most common type of claim – the “Corn Loss Proof of Claim” (compensation for the alleged reduction in the general price of corn due to the presence of StarLink corn in the U.S. corn supply). Most farm operators not filing a timely and proper Corn Loss Proof of Claim will “give away” a settlement payment of about one or two dollars per acre, maybe more, for each acre of their non-StarLink commercial corn harvested for grain in 2000.

This article assists farmers who want to obtain their share of the settlement for corn acres harvested in 2000. The article summarizes information from various sources and provides practical insights regarding:

• Who files the Proof of Claim?
• What is the responsibility of this person to share the settlement payment with others, e.g., a landlord who received a share of the 2000 crop as rent?
• What practical steps can the primary Farm Operator take to expeditiously file the Corn Loss Proof of Claim by July 31? (optional Excel Spreadsheet included)
• What does Part A of the Statement of Claim look like when it is completed?

For simplicity, this article only discusses Corn Loss claims for corn acres harvested in 2000. It does not discuss a different type of claim – claims for Property Damage (damage to non-StarLink corn brought about by the co-mingling of StarLink and non-StarLink corn), nor does the article discuss claims for Corn Loss on acres where the farmer did not harvest corn in the year 2000, but did harvest corn in other years.

For additional background about the StarLink settlement, see an earlier article by D.L. Uchtmann, Corn Farmers Face … Deadline to Submit “Proof of Claims” for Non-StarLink Farmer Class Action Lawsuits. It is available on the farmdoc website at http://www.farmdoc.uiuc.edu/legal/starlink_related_table.html. In addition, the reader is encouraged to review all documents available at the official “NON-STARLINK FARMER LITIGATION” website at http://www.non-starlinkfarmerssettlement.com. The official site lists a Toll Free Helpline phone number: 1 (888) 833-4317.

I. Who files the claim?

The Corn Loss “Proof of Claim” is to be completed and filed by the Farm Operator – the person or entity who runs the farm and makes the day-to-day farming decisions. Where there is more than one farm operator, the “Proof of Claim” should be completed and filed by the PRIMARY operator. Only one Proof of Claim should be submitted for the same corn acres. As a practical matter, these instructions are telling Landlords (and others with an interest in the crop) that the Farm Operator is the one authorized to submit the Proof of Claim, not the Landlord or others with an interest in the crop.

II. What is the responsibility of the primary Farm Operator to share the settlement payment with others, such as Landlord who received a share of the 2000 crop as rent?

Distribution of all settlement payments will be made to the Authorized Claimant, i.e., the primary Farm Operator. Paragraph 22.e of the Stipulation of Settlement, incorporated by reference into Judge Moran’s April 7 Final Order and Judgment, describes the responsibility of the Authorized Claimant to others with a legal interest in the 2000 corn acres on which Farm Operator’s claim was based. The Authorized Claimant is responsible for

- accounting to other persons or entities with a “legal, contractual, sharing, ownership or other legal interest” in the harvest from the year 2000 corn acres
- for any settlement payment received by the Farm Operator.

A Landlord under a share lease would be the most common example of a person to whom the Farm Operator must account. An Illinois Landlord under a share lease
obviously has a “sharing” interest (see the quoted language following the 1st bullet above) in the crop. Logically, if the lease is a 50-50 share lease, the Landlord’s share of the settlement payment for corn acres on the rented land would be 50%. In contrast, a Landlord receiving cash rent would logically not have an interest in the crop that would entitle Landlord to a share of the settlement payment.

The responsibility of Farm Operator to account to others with an interest in the year 2000 corn crop does not exist in a vacuum. When approving the settlement in the April 7 Final Order and Judgment, the District Court also expressly retained jurisdiction over all aspects of the administration of the settlement, disposition of the settlement amount, and resolution of complaints by members of the Settlement Class. The Settlement Class is much broader than the Farm Operators who submit the claims. The Settlement Class includes, for example, Landlords with an interest in the crop under a share lease to whom the Farm Operator has a responsibility to account.

III. What practical steps can the primary Farm Operator take to expeditiously file the Proof of Claim by the July 31 deadline?

The five simple steps described below are a reasonable and expeditious way for Farm Operator to file the Corn Loss Proof of Claim by the July 31 deadline. These steps apply to Farm Operators who (a) harvested corn for grain in year 2000, the most common type of claim, and (b) certified their corn acres to the Farm Service Agency. These steps are based on the experiences of people who have prepared a Corn Loss Proof of Claim, discussions with personnel within the Farm Service Agency, and a review of various documents filed with the court.

1. Obtain copies of form FSA-578 from your files or from your Farm Service Agency office for any farm on which you harvested corn for grain in 2000.
   (a) If you already have file copies of your Program Year FSA-578s, use them and go directly to Step 2.
   (b) Otherwise, call your FSA office and request copies of all form FSA-578s for crop year 2000 (FSA apparently does not need to include copies of farm maps1 as part of the FSA-578). Your FSA-578s, less maps, could be available in a matter of hours or perhaps a few days, depending on office workload.

2. Obtain the Corn Loss Proof of Claim form.
   (a) If you have the Corn Loss Proof of Claim form that was mailed to you as part of the Notice mailed to corn farmers before March 21, you can use that form.
   (b) Alternatively, go to

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1 Under an agreement between USDA and the lawyers involved in the litigation, Farm Operators “would not . . . be required to submit farm maps” with form FSA-578 when submitting their Proof of Claim. Instead, claimants “would be required to do so [submit the maps] only if separately requested to do so” [e.g., at a later date]. So it is not necessary to ask the FSA office to include copies of the farm maps when they initially prepare copies of the Program Year 2000 form FSA-578s. See Declaration of David A.P. Browner In Support of Approval of the Proposed Settlement, (filed with the court and referred to on p. 11 of Judge Moran’s April 7 Final Order and Judgment) at paragraphs 229 and 230 (copy in author’s files).
Enter Farm Operator’s first name, last name, city, state, and zip code
[Note: It is probably wise to use the name and address as they appear on Farmer Operator’s FSA-578s, if the info is still current]; when you finish entering the data, Click on “Submit Form.”

(c) When the personalized form appears on the screen, Print the form (5-page form, plus 2-page instructions). Note that the Corn Loss Proof of Claim form is not completed online (other than entering the Farm Operator’s name and address to personalize the form before downloading).

(d) Confirm that you have printed the “Corn Loss Proof of Claim and Release,” not the “Property Damage Proof of Claim and Release” (if you printed the wrong form, repeat step 2).

3. Step 3 is an optional step suggested for farmers operating multiple farms and who are familiar with using Excel Spreadsheets; it involves completing a spreadsheet that will become an attachment to the Proof of Claim form (you can skip Step 3 and go directly to Step 4 if you want to enter complete data by hand directly on the Proof of Claim form).

   (a) Go to farmdoc’s StarLink Settlement Corn Loss Spreadsheet by clicking HERE (you will then follow the instructions for the spreadsheet and enter data, from the FSA-578s, for all farms you operated on which corn was harvested in 2000).

   (b) After completing and printing the Spreadsheet, proceed to Step 4, below.

4. Complete form “Corn Loss Proof of Claim and Release” obtained in Step 2 by following the instructions accompanying the form.

   (a) If you skipped Step 3 (you did not use farmdoc’s StarLink Settlement Corn Loss Spreadsheet), enter the appropriate data from your FSA-578s directly on Page 2 (top half) of the Corn Loss Proof of Claim and Release (see Example A below).

   (b) If you did Step 3 (you used farmdoc’s StarLink Settlement Corn Loss Spreadsheet), attach it to your Corn Loss Proof of Claim form and insert summary data on the Corn Loss Proof of Claim and Release (see Example B).

   (c) Regarding the instruction to include maps, see footnote 1 (according to the referenced agreement, maps need not be submitted initially).

5. Follow the “Reminder Checklist” on page 5 of the form, and mail the completed form and any attachment to the proper address (see form) by Prepaid, First Class Mail, Postmarked no later than July 31, 2003.

Following the steps noted above would complete the process of submitting the Corn Loss Proof of Claim. Completing this process is important to the Farm Operator (the one submitting the form) and to others, like Landlords, with an interest in the crop.

IV. What does Subpart A (2000 Non-StarLink Corn) of the Part II “Statement of Claim” look like when it is completed?
The following two examples show how the top half of Page 2 of the Corn Loss Proof of Claim form could be completed.

- Example A shows the detailed entries by a Farm Operator who skipped Step 3 above and entered all data directly on Page 2 from Farm Operator’s FSA-578 (Example A assumes Farm Operator operated two farms and entered all data directly from two FSA-578s)
- Example B shows the summary entries by a Farm Operator who completed and attached the Excel Spreadsheet in accordance with Step 3 (Example B assumes Farm Operator operated multiple farms as described in detail in the spreadsheet).

**Example A** (Farm Operator skipped Step 3, the optional spreadsheet; complete data from FSA-578s was entered directly into Subpart A of Part II, “Statement of Claim”)

<table>
<thead>
<tr>
<th>Description of Farm (Provide the best description available; e.g., tract description, address. Include FSA farm number if available.)</th>
<th>Acres of Non-StarLink Corn Harvested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm #792 in Champaign Co. IL, Tract 987, Field #s 2B &amp; 3B, located in Sec. 1, T20N, R12E (see FSA-578 attached).</td>
<td>75.8</td>
</tr>
<tr>
<td>Farm #834 in Champaign Co., IL, Tract 683, Field #1, located in Sec. 26, T21N, R12E (see FSA-578 attached).</td>
<td>31.7</td>
</tr>
</tbody>
</table>

This information comes from two FSA-578’s for the two corn-producing farms operated by Farm Operator. These numbers are the acres reported on FSA-578, less acres not eligible for payment, eg. acres harvested for silage or not harvested at all.

**Example B** (Optional Excel Spreadsheet was completed and attached as described in optional Step 3; the Total Acres of Non-StarLink Corn Harvested, as calculated on the spreadsheet, is entered on Subpart A of Part II, “Statement of Claim”)

<table>
<thead>
<tr>
<th>Description of Farm (Provide the best description available; e.g., tract description, address. Include FSA farm number if available.)</th>
<th>Acres of Non-StarLink Corn Harvested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acres of Non-StarLink Corn Harvested, as calculated on the spreadsheet, are entered here. See attached FSA-578s and Spreadsheet for detail.</td>
<td>868.4</td>
</tr>
</tbody>
</table>

This number comes from the “bottom line” of the optional spreadsheet.
On the following page is the optional spreadsheet that was completed and attached in Example B, and from which the Total Acres of Non-StarLink Corn Harvested was determined.

The author expresses appreciation to Mr. Ron Osman of Marion, Illinois for (a) providing a copy of Judge Moran’s April 7 Final Order and Judgment and other important documents filed with the court, (b) providing authoritative information to the effect that Farm Operators do not need to request farm maps from their Farm Service Agency offices and do not need to include farm maps with the FSA-578s when the Proof of Claim is submitted, (c) being a valuable source of general information about the StarLink Farm Products litigation and settlement, and (d) reviewing an earlier draft of this article.