

**U.S. District Court  
Northern District of Texas (Amarillo)  
CIVIL DOCKET FOR CASE #: 2:20-cv-00127-M-BR**

Ewing et al v. Farm Service Agency et al  
Assigned to: Chief Judge Barbara M. G. Lynn  
Referred to: Magistrate Judge Lee Ann Reno  
Cause: 05:552 Right to Privacy Act

Date Filed: 05/18/2020  
Jury Demand: Plaintiff  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Dean Warren Ewing**

represented by **Robert C Newark , III**  
A Newark Firm  
1341 West Mockingbird Lane  
Suite 600W  
Dallas, TX 75247  
866-230-7236  
Fax: 888-316-3398  
Email: [office@newarkfirm.com](mailto:office@newarkfirm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing\**

**Plaintiff**

**Leslie Rene Ewing**

represented by **Robert C Newark , III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing\**

V.

**Defendant**

**Farm Service Agency**  
*an agency within the U.S. Department of  
Agriculture*

represented by **Brian Walters Stoltz-DOJ**  
U.S. Attorney's Office  
1100 Commerce Street  
Third Floor  
Dallas, TX 75242  
214-659-8626  
Email: [brian.stoltz@usdoj.gov](mailto:brian.stoltz@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**Amanda R Burch-DOJ**  
US Attorney's Office  
1205 Texas Ave  
Suite 700  
Lubbock, TX 79401  
806-472-7351  
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Email: [amy.burch@usdoj.gov](mailto:amy.burch@usdoj.gov)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Not Admitted*

**Defendant**

**Farm Credit Administration**  
*an independent governmental agency*  
**TERMINATED: 09/01/2020**

represented by **Brian Walters Stoltz-DOJ**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

*Bar Status: Admitted/In Good Standing***Defendant**

**Sonny Perdue**  
*in his official capacity as the Secretary of  
the U.S. Department of Agriculture*

represented by **Brian Walters Stoltz-DOJ**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**Amanda R Burch-DOJ**  
(See above for address)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Not Admitted*

**Defendant**

**Richard Fordyce**  
*in his official capacity as Acting  
Administrator of the Farm Service  
Agency, an agency within the U.S.  
Department of Agriculture*

represented by **Brian Walters Stoltz-DOJ**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**Amanda R Burch-DOJ**  
(See above for address)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Not Admitted*

**Defendant**

**Glen R Smith**  
*in his official capacity as Chairman and  
CEO of the Farm Credit Administration  
TERMINATED: 08/31/2020*

represented by **Brian Walters Stoltz-DOJ**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**Defendant**

**Raylon Shumaker**  
*in his official capacity as Vice President  
of AgPreference Credit Association, a  
part of the Farm Credit Administration  
TERMINATED: 08/31/2020*

represented by **Kelly D Utsinger**  
Underwood Law Firm PC  
PO Box 9158  
Amarillo, TX 79105-9158  
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**LEAD ATTORNEY**  
*Bar Status: Admitted/In Good Standing*

**D Lynn Tate**  
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*Bar Status: Admitted/In Good Standing*

**Defendant**

**Randy Sims**  
*TERMINATED: 08/31/2020*

Date Filed	#	Docket Text
05/18/2020	<u>1</u>	COMPLAINT WITH JURY DEMAND against All Defendants filed by Leslie Rene Ewing, Dean Warren Ewing. (Filing fee \$400; Receipt number 0539-10847255) Clerk

		to issue summonses for federal and non-federal defendants. In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Newark, Robert) (Entered: 05/18/2020)
05/18/2020	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Dean Warren Ewing, Leslie Rene Ewing. (Newark, Robert) (Entered: 05/18/2020)
05/18/2020	<u>3</u>	New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Reno). Clerk to provide copy to plaintiff if not received electronically. (daa) (Entered: 05/19/2020)
05/19/2020	<u>4</u>	Summons issued as to Farm Credit Administration, Farm Service Agency, Richard Fordyce, Sonny Perdue, Glen R Smith, U.S. Attorney, and U.S. Attorney General. (daa) (Entered: 05/19/2020)
05/19/2020	<u>5</u>	Summons Issued as to Raylon Shumaker, Randy Sims. (daa) (Entered: 05/19/2020)
05/21/2020	<u>6</u>	STANDING ORDER OF REFERENCE AND NOTICE OF OPTION TO CONSENT TO PROCEED BEFORE THE MAGISTRATE JUDGE (Ordered by Chief Judge Barbara M. G. Lynn on 5/20/2020) (nhp) Modified signed date on 5/22/2020 (daa). (Entered: 05/21/2020)
07/28/2020	<u>7</u>	MOTION to Dismiss for Lack of Jurisdiction <i>with Prejudice, and for Failure to State a Claim</i> filed by Raylon Shumaker Attorney Kelly D Utsinger added to party Raylon Shumaker(pty:dft) (Utsinger, Kelly) (Entered: 07/28/2020)
07/28/2020	<u>8</u>	Brief/Memorandum in Support filed by Raylon Shumaker re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction <i>with Prejudice, and for Failure to State a Claim</i> (Utsinger, Kelly) (Entered: 07/28/2020)
07/29/2020	<u>9</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Raylon Shumaker. (Utsinger, Kelly) (Entered: 07/29/2020)
08/23/2020	<u>10</u>	*****U N F I L E D – see Order, Doc # 11, dated 8/24/2020***** AMENDED COMPLAINT WITH JURY DEMAND against Farm Service Agency, Richard Fordyce, Sonny Perdue, Raylon Shumaker, Randy Sims, AgPreference Credit Association filed by Leslie Rene Ewing, Dean Warren Ewing. (One or more defendant(s) is no longer named.) Clerk to issue summons(es). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Newark, Robert) Modified text on 8/24/2020 (awc). (Entered: 08/23/2020)
08/24/2020	<u>11</u>	ORDER UNFILING <u>10</u> Amended Complaint filed by Dean Warren Ewing, Leslie Rene Ewing due to the following deficiency: Under Federal Rule of Civil Procedure 15(a), Plaintiffs must seek leave to file an amended complaint. (Ordered by Magistrate Judge Lee Ann Reno on 8/24/2020) (awc) (Main Document 11 replaced with flattened document on 8/24/2020) (awc). (Entered: 08/24/2020)
08/31/2020	<u>12</u>	NOTICE of Attorney Appearance by Brian Walters Stoltz-DOJ on behalf of Farm Credit Administration, Farm Service Agency, Richard Fordyce, Sonny Perdue, Glen R Smith. (Filer confirms contact info in ECF is current.) (Stoltz-DOJ, Brian) (Entered: 08/31/2020)
08/31/2020	<u>13</u>	Unopposed Motion for Extension of Time to File Answer filed by Farm Credit Administration, Farm Service Agency, Richard Fordyce, Sonny Perdue, Glen R Smith with Brief/Memorandum in Support. (Stoltz-DOJ, Brian) (Entered: 08/31/2020)

08/31/2020	<u>14</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Farm Credit Administration, Farm Service Agency, Richard Fordyce, Sonny Perdue, Glen R Smith. (Stoltz-DOJ, Brian) (Entered: 08/31/2020)
08/31/2020	<u>15</u>	STIPULATION OF DISMISSAL of <i>voluntary dismiss under F.R.C.P. 41(a)(1)(A)(i). Dismissal without prejudice as to Raylon Shumaker, individually, and in his official capacity as Vice President of AgPreference Credit Association, a part of the Farm Credit Administration, Glen R. Smith, in his official capacity as Chairman and CEO of the Farm Credit Administration and Randy Simms, individually and AgPreference Credit Association re <u>1</u> Complaint,,, <u>10</u> Amended Complaint,,, by Dean Warren Ewing, Leslie Rene Ewing. (Newark, Robert) (Entered: 08/31/2020)</i>
09/01/2020	<u>16</u>	STIPULATION OF DISMISSAL VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i) as to Farm Credit Administration re <u>11</u> Order Unfiling Pleading, <u>1</u> Complaint,,, <u>15</u> Stipulation,,, <u>10</u> Amended Complaint,,, by Dean Warren Ewing, Leslie Rene Ewing. (Newark, Robert) (Entered: 09/01/2020)
09/08/2020	<u>17</u>	NOTICE of Attorney Appearance by Amanda R Burch-DOJ on behalf of Farm Service Agency, Richard Fordyce, Sonny Perdue. (Filer confirms contact info in ECF is current.) (Burch-DOJ, Amanda) (Entered: 09/08/2020)
09/08/2020	<u>18</u>	ANSWER to <u>1</u> Complaint,,, filed by Farm Service Agency, Richard Fordyce, Sonny Perdue. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Stoltz-DOJ, Brian) (Entered: 09/08/2020)
09/09/2020	<u>19</u>	ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT re: <u>13</u> Motion for Extension of Time to File Answer. Defendants' deadline to answer or otherwise respond to the Complaint is extended to September 8, 2020. Defendants filed their Original Answer on September 8, 2020. (ECF 18). Accordingly, the undersigned finds Defendants' Original Answer (ECF 18) was timely filed. (Ordered by Magistrate Judge Lee Ann Reno on 9/9/2020) (awc) (Entered: 09/09/2020)
09/09/2020	<u>20</u>	ORDER TO SUBMIT JOINT PROPOSED SCHEDULING ORDER AND SETTING VIDEO RULE 16 SCHEDULING CONFERENCE — Joint Proposed Scheduling Order Due Date: October 20, 2020; Video Rule 16 Scheduling Conference: October 27, 2020 @ 9:30 a.m. (Ordered by Magistrate Judge Lee Ann Reno on 9/9/2020) (awc) (Entered: 09/09/2020)
09/09/2020	<u>21</u>	ORDER TO OBTAIN LOCAL COUNSEL: Within twenty-one (21) days of this Order, each party who is required to obtain local counsel shall file the entry of appearance of local counsel satisfying the requirements of Local Rule 83.10(a). (Ordered by Magistrate Judge Lee Ann Reno on 9/9/2020) (awc) (Entered: 09/09/2020)
10/20/2020	<u>22</u>	Proposal for contents of scheduling and discovery order ( <i>Joint Proposed Scheduling Order</i> ) by Dean Warren Ewing, Leslie Rene Ewing, Farm Service Agency, Richard Fordyce, Sonny Perdue. (Stoltz-DOJ, Brian) Added filers on 10/21/2020 (daa). (Entered: 10/20/2020)
10/26/2020	23	ELECTRONIC ORDER RESETTING VIDEO RULE 16 SCHEDULING CONFERENCE: FRCP 16 Scheduling Conference RESET for 10/29/2020 09:30 AM in US Courthouse, Courtroom 2nd Floor, 205 S. E. 5th Ave., Amarillo, TX 79101-1559 before Magistrate Judge Lee Ann Reno. (Ordered by Magistrate Judge Lee Ann Reno on 10/26/2020) (chmb) (Entered: 10/26/2020)
10/28/2020	24	ELECTRONIC ORDER RESETTING VIDEO RULE 16 SCHEDULING CONFERENCE: FRCP 16 Scheduling Conference RESET for 10/29/2020 11:00 AM in US Courthouse, Courtroom 2nd Floor, 205 S. E. 5th Ave., Amarillo, TX 79101-1559 before Magistrate Judge Lee Ann Reno. (Ordered by Magistrate Judge Lee Ann Reno on 10/28/2020) (chmb) (Entered: 10/28/2020)
10/29/2020	25	ELECTRONIC Minute Entry for proceedings held via video teleconference before Magistrate Judge Lee Ann Reno: Rule 16 Scheduling Conference held on 10/29/2020. Attorney Appearances: Plaintiff – Robert C Newark, III; Defense – Brian Walters

		Stoltz, Amanda R Burch. (Court Reporter: Digital File) (No exhibits) Time in Court – 0:30. (chmb) (Entered: 10/29/2020)
11/13/2020	<u>26</u>	ORDER REGARDING CLAIMS UNDER THE ADMINISTRATIVE PROCEDURE ACT: No later than twenty–one (21) days from the date of this Order, Plaintiffs must file either (1) an amended complaint, which Plaintiffs are hereby granted leave to file for purposes of complying with this Order, or (2) an advisory addressing the authority cited in this Order and whether the Court has subject matter jurisdiction over the APA claims. Defendant shall file an answer or otherwise respond to any amended complaint in compliance with the Federal Rules of Civil Procedure. Defendants shall file any response to an advisory filed by Plaintiffs no later than twenty–one (21) days from the date of filing of such an advisory. (Ordered by Magistrate Judge Lee Ann Reno on 11/13/2020) (awc) (Entered: 11/13/2020)
12/07/2020	<u>27</u>	ORDER REQUIRING COMPLIANCE WITH PRIOR COURT ORDER, re: <u>26</u> Order: Pursuant to the Court's November 13, 2020 Order, Plaintiffs were required to file either (1) an amended complaint, or (2) an advisory addressing the authority cited in the November 13, 2020 Order and whether the Court has subject matter jurisdiction over the APA claims on or before December 4, 2020 (see ECF 26 at 3), but failed to do so. Accordingly, Plaintiffs shall comply with the Court's November 13, 2020 Order on or before December 14, 2020. (Ordered by Magistrate Judge Lee Ann Reno on 12/7/2020) (daa) (Entered: 12/07/2020)
12/14/2020	<u>28</u>	AMENDED COMPLAINT against Farm Service Agency, Richard Fordyce, Sonny Perdue filed by Leslie Rene Ewing, Dean Warren Ewing. (One or more defendant(s) is no longer named.) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Newark, Robert) (Entered: 12/14/2020)
12/28/2020	<u>29</u>	ANSWER to <u>28</u> Amended Complaint,, filed by Farm Service Agency, Richard Fordyce, Sonny Perdue. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Stoltz–DOJ, Brian) (Entered: 12/28/2020)
01/06/2021	<u>30</u>	ORDER TO SUBMIT BRIEFING REGARDING SUBJECT MATTER JURISDICTION OVER ADMINISTRATIVE PROCEDURE ACT CLAIMS: No later than 28 days from the date of this Order, both parties shall submit briefing addressing the authority cited in this Order and whether the Court has subject matter jurisdiction over the APA claims. Responses are not permitted unless a party obtains leave of Court. The parties briefs shall comply with Local Rule 7.2. (Ordered by Magistrate Judge Lee Ann Reno on 1/6/2021) (awc) (Entered: 01/06/2021)
02/03/2021	<u>31</u>	RESPONSE filed by Farm Service Agency, Richard Fordyce, Sonny Perdue re: <u>30</u> Order, (Stoltz–DOJ, Brian) (Entered: 02/03/2021)
02/07/2021	<u>32</u>	Brief/Memorandum in Support filed by Dean Warren Ewing, Leslie Rene Ewing re <u>30</u> Order, (Newark, Robert) (Entered: 02/07/2021)
02/22/2021	<u>33</u>	ORDER REGARDING SUBJECT MATTER JURISDICTION OVER ADMINISTRATIVE PROCEDURE ACT CLAIMS: No later than 14 days from the date of this Order, Plaintiffs may file an amended complaint sufficient to establish the Court has subject matter jurisdiction over the APA claims. Otherwise, the undersigned will recommend the APA claims be dismissed without prejudice for lack of subject matter jurisdiction. (Ordered by Magistrate Judge Lee Ann Reno on 2/22/2021) (awc) (Entered: 02/22/2021)
03/08/2021	<u>34</u>	AMENDED COMPLAINT WITH JURY DEMAND against All Defendants filed by Leslie Rene Ewing, Dean Warren Ewing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar</a>

		<u>Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Newark, Robert) (Entered: 03/08/2021)
03/22/2021	<u>35</u>	ANSWER to <u>34</u> Amended Complaint,, filed by Farm Service Agency, Richard Fordyce, Sonny Perdue. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov, or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Stoltz–DOJ, Brian) (Entered: 03/22/2021)
04/13/2021	<u>36</u>	SCHEDULING ORDER: Defendants will produce and file a Bates–labeled copy of the administrative record on or before June 4, 2021. Plaintiffs shall file their opening brief on the merits on or before July 16, 2021. Defendants shall file their response brief on or before August 13, 2021. Plaintiffs shall file any reply brief on or before September 3, 2021. Deadline for mediation is on or before 10/15/2021. (See order for further specifics.) (Ordered by Magistrate Judge Lee Ann Reno on 4/13/2021) (awc) (Entered: 04/13/2021)
06/04/2021	<u>37</u>	Administrative Record consisting of (Farm Service Agency borrower records) filed by Farm Service Agency, Richard Fordyce, Sonny Perdue. (Stoltz–DOJ, Brian) (Entered: 06/04/2021)
07/16/2021	<u>38</u>	Appellant's BRIEF by Dean Warren Ewing, Leslie Rene Ewing. (Newark, Robert) (Entered: 07/16/2021)
08/13/2021	<u>39</u>	Appellee's BRIEF by Farm Service Agency, Richard Fordyce, Sonny Perdue. (Stoltz–DOJ, Brian) (Entered: 08/13/2021)
08/13/2021	<u>40</u>	Appendix in Support filed by Farm Service Agency, Richard Fordyce, Sonny Perdue re <u>39</u> Appellee's Brief (Stoltz–DOJ, Brian) (Entered: 08/13/2021)
09/28/2021	<u>41</u>	FINDINGS, CONCLUSIONS, AND RECOMMENDATION TO DISMISS PLAINTIFFS' ADMINISTRATIVE PROCEDURE ACT CLAIMS (Ordered by Magistrate Judge Lee Ann Reno on 9/28/2021) (daa) (Entered: 09/28/2021)
09/29/2021	<u>42</u>	Joint MOTION to Extend Time (Mediation Deadline) filed by Farm Service Agency, Richard Fordyce, Sonny Perdue with Brief/Memorandum in Support. (Stoltz–DOJ, Brian) (Entered: 09/29/2021)
09/30/2021	<u>43</u>	ORDER ABATING MEDIATION DEADLINE, re: <u>42</u> Joint Motion to Extend Mediation Deadline. (Ordered by Magistrate Judge Lee Ann Reno on 9/30/2021) (daa) (Entered: 09/30/2021)
09/30/2021	<u>44</u>	FIRST AMENDED SCHEDULING ORDER (Ordered by Magistrate Judge Lee Ann Reno on 9/30/2021) (daa) (Entered: 09/30/2021)
10/12/2021	<u>45</u>	OBJECTION to <u>41</u> Findings and Recommendations . (Newark, Robert) (Entered: 10/12/2021)
10/26/2021	<u>46</u>	RESPONSE filed by Farm Service Agency, Richard Fordyce, Sonny Perdue re: <u>45</u> Objection to Findings and Recommendations (Stoltz–DOJ, Brian) (Entered: 10/26/2021)
10/28/2021	<u>47</u>	ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE re: <u>41</u> Findings, Conclusions and Recommendation. The District Court has made a de novo review of the portions of the proposed findings and recommendation to which objections were made. The objections are overruled. Accordingly, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, and Plaintiffs' claims under the Administrative Procedure Act are DISMISSED. (Ordered by Chief Judge Barbara M. G. Lynn on 10/28/2021) (awc) (Entered: 10/28/2021)
10/29/2021	<u>48</u>	ORDER REGARDING POTENTIAL DISCOVERY DISPUTES (Ordered by Magistrate Judge Lee Ann Reno on 10/29/2021) (awc) (Entered: 10/29/2021)
10/29/2021	<u>49</u>	ORDER REGARDING MOTIONS FOR LEAVE TO FILE DOCUMENTS UNDER SEAL (Ordered by Magistrate Judge Lee Ann Reno on 10/29/2021) (awc) (Entered: 10/29/2021)

11/04/2021	<u>50</u>	Joint STIPULATION OF DISMISSAL by Farm Service Agency, Richard Fordyce, Sonny Perdue. (Stoltz-DOJ, Brian) (Entered: 11/04/2021)
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