

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**IN RE: KATRINA CANAL BREACHES  
CONSOLIDATED LITIGATION**

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**\* CIVIL ACTION  
\*  
\* NUMBER 05-4182  
\* & CONSOLIDATED CASES  
\*  
\* SECTION "K"  
\*  
\* JUDGE DUVAL  
\*  
\* MAGISTRATE WILKINSON**

**THIS DOCUMENT RELATES TO  
LEVEE:**

07-4551, 07-4552, 07-4553, 07-4554, 07-4556,  
07-4557, 07-4558, 07-4559, 07-4560, 07-4561,  
07-4563, 07-4948, 07-4949, 07-4950, 07-4951,  
07-4952, 07-4953, 07-4954, 07-4955, 07-4956,  
07-4957, 07-4958, 07-4959, 07-4960, 07-4961,  
07-4962, 07-4963, 07-4964, 07-4966, 07-4967,  
07-4968, 07-4970, 07-4971, 07-4972, 07-4973,  
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07-4989, 07-4990, 07-4991, 07-4992, 07-4993,  
07-4994, 07-4995, 07-4996, 07-4997, 07-4998,  
07-4999, 07-5000, 07-5001, 07-5002, 07-5003,  
07-5004, 07-5005, 07-5006, 07-5008, 07-5009,  
07-5010, 07-5012, 07-5014, 07-5015, 07-5016,  
07-5017, 07-5018, 07-5019, 07-5148, 07-5150,  
07-5155, 07-5193, 07-5254, 07-5286, 07-5314,  
07-5315, 07-5316, 07-5317, 07-5318, 07-5319,  
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07-5358, 07-5359, 07-5360, 07-5361, 07-5362,  
07-5363, 07-5364, 07-5365, 07-5367, 07-5368,  
07-5369, 07-5370, 07-5371, 07-5372, 07-5373,  
07-5374, 07-5375, 07-5376, 07-5377, 07-5378,  
07-5494, 07-5495, 07-5496

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**MOTION TO DISMISS PURSUANT TO F.R.CIV.P. 12(B)(6)**

Now into Court, through undersigned counsel, comes defendant Sewerage and Water Board of New Orleans pursuant to F.R.Civ.P. 12(b)(6) to dismiss the above-captioned matters as against the Sewerage and Water Board of New Orleans because the claims are prescribed.

The Sewerage and Water Board of New Orleans submits a memorandum in support, a notice of hearing and a request for oral argument.

Wherefore, defendant Sewerage and Water Board of New Orleans prays that after due proceedings are held, that this Court render judgment in favor of the Sewerage and Water Board of New Orleans and against plaintiffs, dismissing plaintiffs' complaints against the Sewerage and Water Board of New Orleans with prejudice and at plaintiffs' cost.

Respectfully submitted,

s/Charles M. Lanier, Jr.

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ATTORNEYS FOR DEFENDANT SEWERAGE  
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**CERTIFICATE**

I do hereby certify that on the 4<sup>th</sup> day of January 2008, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all participating counsel of record. I also certify that I have mailed the foregoing by United States Postal Services, First Class, to all non-CM/ECF participants.

s/Charles M. Lanier, Jr.

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**CHARLES M. LANIER**