

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

COLLEN BERTHELOT, ET AL
Plaintiffs

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CIVIL ACTION

VERSUS

NO. 05-4182

**BOH BROS. CONSTRUCTION CO.,
L.L.C., ET AL**
Defendants

SECTION "K" (2)

THIS DOCUMENT RELATES TO:

05-4181 "K"(2)	(O'Dwyer)	06-0225 "K"(2)	(Bradley)
05-5237 "K"(2)	(Vodanovich)	06-0886 "K"(2)	(Finney)
05-6073 "K"(2)	(Kirsch)	06-2278 "K"(2)	(Christenberry)
05-6314 "K"(2)	(Ezell)	06-2287 "K"(2)	(Sanchez)
05-6324 "K"(2)	(Brown)	06-2346 "K"(2)	(Fitzmorris)
05-6327 "K"(2)	(Leblanc)	06-2545 "K"(2)	(Marcello)

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SEWERAGE AND WATER BOARD OF NEW ORLEANS'
MOTION TO DISMISS PURSUANT TO FED.R. CIV. P. 12(b)(6)

The Defendant, Sewerage and Water Board of New Orleans (hereinafter sometimes referred to as "SWBNO"), presents this Motion To Dismiss Pursuant to Rule 12(b)(6) for failure to state a cause of action upon which relief can be granted. The complaints that have been filed in these consolidated proceedings fail to state a cause of action for the reasons set forth in the Memorandum in Support of the Motion to Dismiss filed herewith.

WHEREFORE, Defendant, the Sewerage and Water Board of New Orleans, prays for an Order granting its Fed. R. Civ. P. 12(b)(6) Motion to dismiss, with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2006, 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 the following:

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