

MINUTE ENTRY
DUVAL, J.
June 3, 2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION

CIVIL ACTION

NO. 05-4182

PERTAINS TO:
MRGO

SECTION "K"(2)

Attending a status conference concerning Plaintiffs' Motion for Status Conference (Doc. 19795) to discuss the general posture of this case and establish a schedule for proceedings in this action were:

Robin Smith for the United States (by phone);

Joseph Bruno and Jonathan Andry for MRGO PSLC;

Elise Gilbert, Brendan O'Brien, Kea Shermann, Hartford/Entergy; and

Tim Eagan, Wendy Hickok Robinson, Brian Guillot, and Marcus Brown for Entergy.

The single remaining issue in the MRGO Consolidated Class Action Litigation is the United States' alleged liability with respect to the EBIA. Recognizing that the United States intends to assert its Discretionary Function Exception ("DFE") defense, the Court has been prepared to entertain a motion for summary judgment on this issue for some time. After the resolution of certain procedural issues which has resulted in the claims of Entergy New Orleans, Inc., Entergy Louisiana, L.L.C. and Hartford Steam Boiler Inspection and Insurance Company ("Entergy") being consolidated herein, Entergy seeks certain assurances with respect to

discovery that has already occurred concerning the production of environmental compliance documents as they pertain to the EBIA. A discussion was had concerning this issue.

As a result of the dialogue, based on a draft Rule 30 (b)(6) document that Entergy has provided to the United States,

IT IS ORDERED that the following protocol is established:

July 2, 2010 The United States shall review and produce all the environmental compliance documents in its possession that concern the EBIA project.

August 2, 2010 The United States shall file its Motion for Summary Judgment.

September 3, 2010 Plaintiffs shall file their Motion for Summary Judgment and Opposition to the United States' motion.

September 23, 2010 The United States shall file its opposition and response thereto.

The subject motions shall be set on Wednesday, October 13, 2010 at 1:30 p.m.

A handwritten signature in black ink, appearing to read "Thom M. Wood", is written in a cursive style.

JS-10: 25 mins.