

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION

CIVIL ACTION

NO. 05-4182

FILED IN: 05-4181, 05-4182, 05-4191,
05-4568, 05-5237, 05-6037, 05-6314,
05-6324, 05-6327, 05-6359, 06-0020,
06-1885, 06-0225, 06-0886, 06-11208,
06-2278, 06-2287, 06-2346, 06-2545,
06-3529, 06-4065, 06-4389, 06-4634,
06-4931, 06-5032, 06-5042, 06-5159,
06-5163, 06-5367, 06-5471, 06-5771,
06-5786, 06-5937, 06-7682, 07-0206,
07-0647, 07-0993, 07-1284, 07-1286,
07-1288, 07-1289

SECTION "K" (2)
JUDGE DUVAL

MAGISTRATE WILKINSON

PERTAINS TO: LEVEE

MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COMES the Board of Commissioners for the Port of New Orleans (hereinafter "the Dock Board") and, pursuant to Fed.R.Civ.P. 12(c), moves to dismiss all claims asserted against it in the captioned lawsuit as Plaintiffs have failed to state a legally cognizable claim against it for the allegedly defective flood control devices at issue. The reasons for this motion are fully set forth in the accompanying memorandum.

Respectfully submitted, this 11th day of June, 2007.

DAIGLE FISSE & KESSENICH, PLC

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Orleans

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the above and foregoing has been served upon all counsel of record by electronic notice in accordance with Local Rules to those counsel receiving electronic notice, and all others by depositing same in the United States Mail, postage prepaid and properly addressed, this 11th day of June, 2007.

s/Jonathan H. Sandoz
JONATHAN H. SANDOZ