

**MINUTE ENTRY**  
**DUVAL, J.**  
**June 15, 2006**

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

**COLLEEN BERTHELOT, ET AL.,**

**CIVIL ACTION**

**VERSUS**

**NO. 05-4182**

**BOH BROTHERS CONSTRUCTION CO.,**  
**L.L.C., ET AL.**

**SECTION "K"(2)**  
**CONS. KATRINA CANAL**

**PERTAINS TO: ALL CASES**

A status conference was held on June 15, 2006 at 11:00 a.m. pursuant to the Court's previous order of May 12, 2006.

**IT IS ORDERED** that a transcript of the entire proceedings shall be filed into the record.

**Rule 12/Rule 56 Motions**

The Court noted that all Rule 12 Motions—that is motions on the pleadings—should be filed in accordance with the Court's previous Minute Entry of May 12, 2006, making that cut-off June 15, 2006. Oppositions thereto are to be filed by June 29, 2006. Upon review of these motions, the Court will order a date and time for oral argument to be had on the various motions for which oral argument is requested.

To the extent that Rule 56 motions are filed and noticed for July 12, 2006, the Court anticipates the filing of Rule 56(f) oppositions requesting discovery. The Court would note that a proper showing for the actual need for discovery will be necessary in order for such a continuance to be granted. Such requests should be detailed in the basis therefore and be filed likewise on June 29, 2006.

To the extent that any party misses this filing cut-off date for Rule 12 motions, the Court will require a showing of good cause for such a failure.

It is further noted that with respect to the *Chehardy* cases, the motion filing deadline is August 15, 2006 and response deadline is August 29, 2006 as set forth in the Order of June 1, 2006 (Doc. 501).

### **Appointment of State Court Liaison Counsel**

**IT IS ORDERED** that Darlene Jacobs is **APPOINTED** as State Court liaison counsel in order to facilitate communication and coordination as needed between the two court systems.

### **Katrina Canal Breaches Consolidated Litigation**

Liaison counsel shall file in the near future a proposed case management order dividing this "umbrella" into distinct sub-categories for purposes of pleadings and notifications. The umbrella moniker shall be "Katrina Canal Breaches Consolidated Litigation." Four sub-categories shall be established: (1) Levee Cases, (2) Insurance Cases, (3) MRGO Cases, and (4) Responder Cases.

### **Final Proposed Plan**

The Court noted that it has outlined in its previous orders the need for a comprehensive plan for the proceedings in this consolidated matter. As such, after discussion with liaison counsel,

**IT IS ORDERED** that a plan for a preliminary comprehensive plan shall be submitted to the Court by **Monday, October 2, 2006**.

**Motion to Sever (Doc. 343)**

**IT IS ORDERED** that the hearing on Allstates Indemnity Company's Motion to Sever and Proceed Separately (Doc. 343) with respect to the *Chehardy* cases is **SET for hearing with oral argument on June 28, 2006 at 9:30 a.m.**

**IT IS FURTHER ORDERED** that the opposition to this motion shall be filed no later than **June 22, 2006 at 5:00 p.m.**

**Notification with Respect to the Encompass Cases**

Counsel for plaintiffs requested that they be notified concerning proceedings in these severed cases. The Court instructed counsel to contact Mr. Robert Creely to determine whether he would voluntarily agree to add liaison counsel to the service list in the Encompass cases.

***Philip Reed v. United States*,, C.A. No. 06-2152 and *Artus v. United States*, C.A. No. 06- 2824**

These cases, *Reed* having been transferred to this Court and consolidated under the umbrella and *Artus*, having been transferred to this Court and to be consolidated under the umbrella, are discrete from the other MRGO cases because these involve allegations against the dredging companies. In order to have the interests in these cases properly represented,

**IT IS ORDERED** that Mr. James Roussel is **APPOINTED** to the Defendants' Preliminary Master Committee to represent the dredging interests.

**IT IS FURTHER ORDERED** that Mr. Hubbard file **no later than June 29, 2006**, a proposed scheduling order for the anticipated motion practice in line with what was filed with respect to the *Chehardy* cases.

**IT IS FURTHER ORDERED** that Mr. Roussel shall confer with Mr. Bruno's office to determine a proposed date for disclosure of the insurers involved in these cases and report to Magistrate Judge Wilkinson by June 29, 2006 concerning this issue.

### **The United States**

Counsel for the United States discussed the possible need for relief as to the United States' response to the Dredging cases. Counsel was instructed to discuss this matter with Mssrs. Roussel and Hubbard and the plaintiffs' liaison committee and file a motion requesting the relief needed and to which there is an agreement.

It was also requested that the Court schedule its status conferences either first thing in the morning or first thing in the afternoon so that it would be possible to cut down on the expense of counsel's attendance, which the Court agreed to do if at all possible.

As to the discussion concerning letters being sent to persons who have filed claims under the Federal Tort Claims Act, the Court instructed plaintiffs' counsel any relief sought must be undertaken by motion.

**Further Meetings**

It was agreed that the monthly meetings serve a positive purpose and should continue pending the establishment of a comprehensive schedule is established for these proceedings.

Accordingly,

**IT IS ORDERED** that the next status conference shall be held on **Friday, July 14, 2006** at **8:30 a.m.**

**Web Site**

**IT IS ORDERED** that a comprehensive website for the Katrina Canal Breaches Consolidated Litigation shall be established as soon as possible.

**IT IS FURTHER ORDERED** that Hugh Lambert for plaintiffs and Seth Scheemckle shall serve as liaison counsel to the Court with respect to its establishment and maintenance.

A handwritten signature in black ink, appearing to read "Hugh Lambert", is located in the lower right quadrant of the page.

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