

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

In Re: KATRINA CANAL BREACHES § CIVIL ACTION
CONSOLIDATED LITIGATION § NO. 05-4182 “K” (2)
§ JUDGE DUVAL
§ MAG. WILKINSON

PERTAINS TO: LEVEE §

FILED IN: 05-4181, 05-4182, 05-4191, 05-4568, §
05-5237, 05-6073, 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 §

**THE UNITED STATES’ MOTION TO DISMISS COUNTS I– III AND V–VII OF
THE SUPERSEDING MASTER CONSOLIDATED CLASS ACTION
COMPLAINT AND TO STRIKE THE REMAINING COUNTS**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(h)(3), Defendant United States of America hereby moves this Court for an Order dismissing Counts I– III and V–VII of the Superseding Master Consolidated Class Action Complaint for lack of subject matter jurisdiction and striking the remaining Counts. The grounds for this motion are more fully set forth in the accompanying memorandum of law in support.

WHEREFORE, for these reasons and the reasons more fully set forth in the United States' memorandum of law in support, the United States prays that this Court grant its motion to dismiss Counts I– III and V–VII of the Superseding Master Consolidated Class Action Complaint for lack of subject matter jurisdiction and to strike the remaining Counts.

Respectfully submitted,

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Dated: July 9, 2007

CERTIFICATE OF SERVICE

I, Robin D. Smith, hereby certify that on July 9, 2007, I served a true copy of the United States' Motion to Dismiss, Memorandum in support, and Notice of Hearing on all parties by ECF.

/s/ Robin D. Smith

ROBIN D. SMITH