

MINUTE ENTRY
WILKINSON, M.J.
APRIL 20, 2006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

COLLEEN BERTHELOT ET AL.

CIVIL ACTION

VERSUS

NO. 05-4182 and
consolidated cases

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

SECTION "K" (2)

In response to two faxes received by me today, one from Ashton O'Dwyer, counsel for some plaintiffs, and the second from Robin Smith, counsel for the United States (both of which have separately been filed in the record), I conducted a telephone conference on this date. Participating were: Ashton O'Dwyer and Gerald Meunier, representing various plaintiffs; Thomas Anzelmo, representing defendant, Board of Commissioners of the Orleans Levee District; Robin Smith, representing defendant, the United States.

MJSTAR: : 30

Counsel were apprised of the schedule which the court has put in place to address the evidence preservation/destruction issues that Mr. O'Dwyer continues to assert via duplicative motions, letters and phone calls to the court and other parties, despite the court's previous actions, both sua sponte and on his previous motions, relating to this same issue.

The court was apprised that the United States Army Corps of Engineers is again about to conduct critical work at the London Avenue Canal breach that counsel for the other parties and their experts may be interested in observing. Counsel for the United States advised that this work is presently expected to commence on **Monday, April 24, 2006, no earlier than 7:00 a.m. IT IS ORDERED** that observation of this work by counsel and their experts is permitted, but subject to the same restrictions contained in my previous order. Record Doc. No. 74. **IT IS FURTHER ORDERED**, however, that as to this particular new anticipated work, one of the observing plaintiffs' counsel representatives must be Ashton O'Dwyer and one of the observing plaintiffs' experts must be Hector Pazos, whose attendance and compliance with the court's orders are the responsibility of Mr. O'Dwyer.

IT IS FURTHER ORDERED that the evidentiary hearing concerning evidence preservation, previously set on April 26, 2006 and then reset May 4, 2006, is hereby **RESET** for the final time on **TUESDAY, MAY 2, 2006 beginning at 2:30 p.m.**, to be

conducted only if the anticipated motion of the United States to vacate the order setting this hearing is denied.

Thomas P. Anzelmo, previously appointed examiner for defendants, has advised the court that he will be unavailable for the rescheduled **MAY 2, 2006** evidentiary hearing. Accordingly, **IT IS FURTHER ORDERED** that **William D. Treeby** is hereby appointed examiner for defendants to substitute for Mr. Anzelmo in connection with the evidentiary hearing.


JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

cc: HON. STANWOOD R. DUVAL, JR.