

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

**IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

CIVIL ACTION

NO. 05-4182

PERTAINS TO: *Robinson* C.A. No. 06-2268

SECTION "K"(2)

ORDER

At a hearing held on September 12, 2008, the parties and the Court recognized that another and final continuance in this case was necessitated. The Court agreed to this delay begrudgingly, but recognized that a number of factors have caused problems with respect to the generation of the various expert reports required. At that time the Court ordered a revised Case Management Order to be filed.

Subsequently, the parties contacted the Court concerning an extension of time for the briefing schedule with respect to Defendant United States' Motion for Summary Judgment (Doc. 15317) (Causation Motion for Summary Judgment) which seeks the dismissal with prejudice of the part of Plaintiffs' claim that alleges their damage was caused by the negligent operation and maintenance of the Mississippi River-Gulf Outlet. The Court agreed to an extension of time for briefing and determined that the matter would be reset to be heard at the same time as the United States' Motion for Summary Judgment on the Discretionary Function Exception which motion was to be filed in time for hearing on January 8, 2009. However, the Court has since reviewed its schedule and has determined that it will set the hearing on the Causation Motion for Summary Judgment (Doc. 15317) on **December 18, 2008 at 10:30 a.m.**

The parties then filed a Proposed Amended *Robinson* Case Management Order which the Court has reviewed. The Court finds that the time for any more substantive motions has passed,

and will not entertain any other substantive motions other than the aforementioned one based on causation and the other based on the Discretionary Function Exception. As such, the Proposed Order will be amended.

Furthermore, the Court found that the *Daubert* motion and pretrial briefing schedules as proposed provided inadequate time for the Court to prepare. Accordingly, the Proposed Order has been adjusted accordingly. Thus,

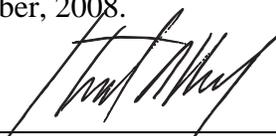
IT IS ORDERED that the following Case Management Order is **ESTABLISHED and SHALL NOT BE AMENDED WITHOUT EXTREME GOOD CAUSE SHOWN:**

| | |
|-------------------|---|
| October 22, 2008 | Plaintiffs' Opposition to Causation Motion for Summary Judgment shall be filed. |
| November 5, 2008 | Defendant's Reply in Support of Causation Motion for Summary Judgment shall be filed. |
| November 20, 2008 | Defendant's Motion for Summary Judgment on Discretionary Function Exception shall be filed. |
| December 18, 2008 | Opposition to Motion for Summary Judgment on Discretionary Function Exception shall be filed. |
| December 18, 2008 | HEARING on Causation Motion for Summary Judgment (Doc. 15317) is SET for 10:30 a.m. |
| December 22, 2008 | Defendant's Expert Reports and Computer Generated Evidence shall be produced. |
| January 2, 2009 | Defendants' Reply in Support of Motion for Summary Judgment on Discretionary Function Exception shall be filed. |
| January 8, 2009 | HEARING on Motion for Summary Judgment on Discretionary Function Exception is SET for 10:30 a.m. |
| February 6, 2009 | Depositions of Plaintiffs' and Defendant's Experts Completed |
| February 11, 2009 | <i>Daubert</i> motions shall be filed. |
| March 4, 2009 | Opposition to <i>Daubert</i> motions shall be filed. |
| March 11, 2009 | Replies to <i>Daubert</i> motions shall be filed. |
| March 19, 2009 | HEARING on <i>Daubert</i> motions is SET for 10:30 a.m. |
| March 20, 2009 | Final List of Witnesses, Exhibits, and Stipulated Facts shall be filed. |
| March 27, 2009 | Pretrial Order shall be filed. |

| | |
|----------------|---|
| March 31, 2009 | Pretrial Conference at 1:30 p.m. Attendance n person of all trial counsel is required. |
| April 3, 2009 | All Findings of Fact and Conclusions of Law, Pretrial Memoranda and Motions in Limine shall be filed. |
| April 7, 2009 | All oppositions and responses to the Findings of Fact and Conclusions of Law, Pretrial Memoranda and Motions in Limine shall be filed. |
| April 20, 2009 | Trial shall commence at 9:00 a.m. with counsel to be in Chambers at 8:30 a.m. as this is a non-jury trial and is scheduled for 3 weeks. |

IT IS FURTHER ORDERED that no other substantive motions may be filed other than a Motion for Summary Judgment Based on the Discretionary Function Exception.

New Orleans, Louisiana, this 9th day of October, 2008.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT COURT JUDGE