

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: KATRINA CANAL BREACHES  
CONSOLIDATED LITIGATION

CIVIL ACTION

NO.: 05-4182

SECTION "K"(2)

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

PERTAINS TO: LEVEE

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**MOTION FOR SUMMARY JUDGMENT**

NOW INTO COURT, through undersigned counsel, comes defendant Sewerage and Water Board of New Orleans and moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing all claims against it in Plaintiffs' Corrected Restated Levee Master Consolidated Class Action Complaint [Doc.7571]. There is no genuine issue as to any material fact and the Sewerage and Water Board of New Orleans is entitled to a judgment as a matter of law. A memorandum in support is filed with this motion.

Accordingly, the Sewerage and Water Board of New Orleans requests that summary judgment be entered in its favor dismissing plaintiffs' suit against it.

Respectfully submitted,

s/Charles M. Lanier, Jr.

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**CERTIFICATE**

I do hereby certify that on the 23rd day of December, 2008, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all participating counsel of record. I also certify that I have mailed the foregoing by United States Postal Services, First Class, to all non-CM/ECF participants.

s/Charles M. Lanier, Jr.

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**CHARLES M. LANIER, JR.**