

**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

**MOTION TO DISMISS THE CLAIMS OF THE
PLAINTIFFS PURSUANT TO F.R.C.P. RULE 12(b)(6)**

NOW INTO COURT comes defendant, the Public Belt Railroad Commission for the City of New Orleans, through undersigned counsel, and respectfully moves the court as follows:

I.

Defendant moves to dismiss the claims of the plaintiffs, pursuant to F.R.C.P. Rule 12(b)(6), because the Superseding Master Consolidated Class Action Complaint fails to state a claim against defendant upon which relief can be granted, for the reasons fully set forth in the accompanying memorandum in support of this motion.

Respectfully submitted,

HAMILTON, BROWN & BABST



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Orleans

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the above and foregoing has been served upon all counsel of record by electronic notice in accordance with Local Rules to those counsel receiving electronic notice, and all others by depositing same in the United States Mail, postage prepaid and properly addressed, this 30th day of March, 2007.


GALEN S. BROWN